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DIVISION OF REVIEW

TRADE-PRACTICE CONFERENCE RULES OF THE FEDERAL TRADE COMMISSION (1919-1936): A CLASSIFICATION FOR COMPARISON WITH THE TRADE-PRACTICE PROVISIONS OF NRA CODES

By
S. P. Kaidanovsky

WORK MATERIALS NO. 54

TRADE PRACTICE STUDIES SECTION
March, 1936

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FOREWORD

This study of the Federal Trade Commission Trade Practice Conference rules was made by Mr. S. P. Kaidanovsky, of the Trade Practice Studies Section, Mr. Corwin D. Edwards in charge.

One of the reports, (Work Materials No. 35) of the Division of Review contains an analysis and classification of the trade practice provisions of NRA codes. The materials in that report naturally suggest a question with respect to how far agencies of the Government previously charged with oversight of trade practices have accepted similar regulations. In connection with several of the special reports on trade practices it had become necessary to examine rules of the Trade Practice Conferences held from time to time by the Federal Trade Commission. The present document is a systematic presentation of the results of this examination in a form which permits ready comparison with the analysis of trade practice provisions previously mentioned. It is hoped that the two documents together will provide a conspectus of the similarities and differences between NRA and the Federal Trade Commission in the focus and extent of their respective efforts to cooperate with organized industries for the prevention of trade abuses.

The present report contains charts indicating the frequency with which various kinds of trade practice rules were accepted by the Federal Trade Commission and notes indicating the characteristic form of each rule and the various modifications which developed in particular trade practice conferences. In the text, related groups of Trade Practice Conference rules are treated together. In appendices the Trade Practice Conferences and the rules are listed in detail.

At the back of this report will be found a brief statement of the studies undertaken by the Division of Review.

L. C. Marshall
Director, Division of Review

March 9, 1936

TRADE-PRACTICE CONFERENCE RULES OF
FEDERAL TRADE COMMISSION

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TRADE-PRACTICE CONFERENCE RULES OF THE FEDERAL TRADE COMMISSION (1919-1936)

A Classification for Comparison with the Trade-Practice Provisions of the NRA Codes

I. INTRODUCTION

An analysis and classification of Trade-Practice Conference rules of 143 Trade-Practice Conferences and Trade-Practice Submittals held under the auspices of the Federal Trade Commission was made in this study. The history and purpose of the Trade-Practice Conferences is presented in Part II.

The tabulation and description of the Trade-Practice Conference rules are set forth in Part III and present a summary statement of the principal Trade-Practice Conference rules adopted or accepted by the Federal Trade Commission for the period of 1919-1934. The classification used in the present analysis is similar to the classification adopted in the study of trade-practice provisions in Codes of Fair Competition -

> "which was based upon similarities in the Objectives or functions which the trade-practice provisions were designed to achieve . . and on the similarity of the kind of practices . . ." (*)

The Trade-Practice Conference rules have been summarized as follows: first, under each major group the principal types of Trade-Practice Conference rules have been individually specified and second, instead of listing the individual Trade-Practice Conference which include the Trade-Practice Conference rules, the tabulation presents the total number of Trade-Practice Conferences which contain these specified rules. For the purpose of comparison with the Trade-Practice Provisions of the NRA codes the total number of Trade-Practice Conferences was broken down into 21 industry groups, the same as for the NRA codes. For some of the industry groups, such as Rubber, no Trade-Practice Conference rules have ever been adopted by the Federal Trade Commission. Some, such as Transportation and Communication, Finance, are not under the jurisdiction of the Federal Trade Commission. The major trade-practice provision groupings presented in the study of the trade-practice provisions in NRA codes were also followed in this analysis. Some of them have been eliminated due to the absence of these groups of provisions in the Trade-Practice Conferences.

The major trade-practice groupings in this analysis are as follows:

Cost Accounting Systems
Minimum Price Provisions
Terms of Payment
Freight and Transportation Terms
Shipments
Open Price Systems
Dumping
Price Guarantees and Other Offers of Price Protection
Rebates, Refunds

(*) Trade-Practice Provisions in Codes of Fair Competition, by Daniel S. Gerig, Jr., and Beatrice Strasburger, pp. 2-3.

Allowances
Rendering Financial Assistance to Buyers or Other Persons
Conditional Sales
Shipments Without Order
Sales on Consignment or Memorandum
Product and Maintenance Guarantees
Returns and Adjustments
Rendering Additional or Special Services
Supplying Additional or Special Goods
Forms of Offers, Orders, Agreements
Contractual Obligations or Agreements
Standards
Labeling Requirements
Piracy and Imitations
Coercion, Trespassing and Interference
Misrepresentation and Deception
Shipping or Performing at Variance from Contract, Representation or Governmental Laws
Discrimination in Prices, Terms, Services, and/or Privileges
Customer Classification
Trade and Industry Classification
Quantity Discounts
Dealings with Agents, Brokers or Other Controlled Sales Representatives
Renting, Loaning or Leasing of Equipment or Property
Bidding and Awarding
Mechanisms Accepted by the Federal Trade Commission

In addition to the tabulation which appears in Part III, Section A, a series of footnotes explaining and expanding the material contained in the tabulation is presented in Part III, Section B.

II. TRADE-PRACTICE CONFERENCES

A. History and Purpose of Trade-Practice Conference Procedure

The Federal Trade Commission Act was approved September 26, 1914, and the Federal Trade Commission was organized March 16, 1915, under this Act.

Under the Federal Trade Commission Act the Commission is:

> "empowered and directed to prevent persons, partnerships, or corporations, except banks and common carriers subject to the Act to regulate commerce from using unfair methods of competition in commerce." (*)

The Commission is also empowered:

> "to make rules and regulations for the purpose of carrying out the provisions of the Act." (**)

1. Trade-Practice Submittals.

From October 3, 1919, to April 19, 1926, there were held 17 conferences which were at that time designated "trade-practice submittals." The list of those trade-practice submittals follows:

Anti-Hog Cholera Serum and Virus
Band Instruments Manufacturers
Books (Subscription Book Publishers)
Butter Manufacturers (Southwest)
Castile Soap
Creamery Industry (Omaha)
"Engraved effects" Printing
Gold Mounted Knives
Gold Plated Finger Ring Manufacturers
Knit Goods Manufacturers
Mending Cotton Manufacturers
Package Macaroni Industry
Paper Industry
Pyroxylin Plastics Industry
Retailer Furniture Dealers, New York City
Sheffield Silver-Plated Hollow Ware
Standard Sheet Music Publishers

The rules for the Gold Plated Finger Ring Manufacturers and for the Paper Industry are more in the nature of a Stipulation than a Trade-Practice Submittal. For the Explanation of "Stipulation" see page 9.

The trade-practice submittal procedure, though of historical interest only, is outlined by the Federal Trade Commission as follows:

(*) Federal Trade Commission Act, Section 5, paragraph 2.
(**) Ibid, Section 6, subsection (g).

Trade-Practice Submittal Procedure.

"When complaints come to the Commission alleging unfair methods of competition in Commerce, the ordinary proceeding is for the Commission to receive such an application for complaint, make a preliminary ex parte examination and if such preliminary examination seems to establish a prima facie case of unfair practices, to issue a formal written complaint. PROVIDED, of course, it is found that the public interest is involved.

"It should be understood that a formal complaint issued by the Commission is not a judgment by the Commission by simply a declaration that a further and formal proceeding is deemed to be in the public interest.

"In certain circumstances, as for example, when an unusually large number of complaints relating to a single industry are received within a short space of time, or when an industry itself seems to be perturbed over practices which are going on and which, if eliminated would leave the industry more free to discharge its duty of service to the public, a trade-practice submittal may be used by the Commission as a means for solution instead of the more formal proceedings.

"This trade-practice submittal consists of an invitation, which is in no sense a summons, for the whole industry or its representatives, to meet together in the presence of the Commission and discuss the merits and demerits of practices which have been complained of to the Commission and any other practices which may be brought to the attention of the meeting.

"At the end of the discussion, each of the practices which have been examined are taken up separately, are submitted to the industry for an expression of opinion as to their fairness or unfairness, their usefulness or harmfulness. The Commission does not participate in the meeting except to ask questions which will tend to bring the whole matter clearly into the record.

"If the practically unanimous opinion of the representatives of the industry condemns a given practice, the Commission receives that expression of the industry as being founded on expert knowledge, business experience and peculiar familiarity with the industry, with respect to the condemned practices, and likewise the sanctioning of a practice by the industry, even though the propriety of that practice has been questioned by application for the issuance of a complaint, is similarly regarded as being the expression, based upon the experience of the industry and its business judgment.

"Such a practically unanimous expression on the part of a representative body of an industry is given great weight by the Commission in considering such practices. It should be understood

that it represents no decision or judgment on the part of the Commission and is in no sense binding upon any one not present at the meeting. Nor indeed is it binding upon any one who is present at the meeting but who dissents from the majority opinion. The effect is that the weight of opinion of the industry has been communicated to the Commission and that thereafter the Commission will feel it to be its duty in case complaints are made to it of a continuance of the condemned practices on the part of any member of the industry, to issue its formal complaint, after inquiry and the public interest determined, in order that by means of a formal and orderly proceeding with an opportunity for subsequent court review, the judgment of the industry may be subjected to the final test of the courts. Also in case of a division of opinion on any given practice, the Commission considers the question to be so much in doubt that it should be left entirely open to be challenged, if any one desires to challenge it, and made the subject of a more formal proceeding.

"To sum up then, the trade-practice submittal amounts to a request on the part of the Commission to a given industry that it give its opinion with respect to the fairness or unfairness of any trade-practices which have grown up or are growing up and that this opinion is received by the Commission as the best and most authoritative judgment then obtainable, but that this judgment may be challenged by any member of the industry and thereafter be made the subject of a more minute examination in a proceeding around which are thrown all the safeguards of a proceeding in court.

"In a trade-practice submittal it is deemed to be proper for the members of the industry to discuss any and all subjects pertaining to the conduct and management of business and to any and all trade practices. A subject which is not deemed to be proper to be discussed is any question which bears on prices or price-fixing." (*)

2. Trade Practice Conferences.

The Division of Trade Practice Conferences was created on April 19, 1926. (**)

The Trade Practice Conference procedure is outlined by the Federal Trade Commission as follows:

Trade-Practice Conference Procedure.

"The first requisite of a trade-practice conference is an expression of desire on the part of a substantial majority of the members of an industry to eliminate unfair methods of competition and trade abuses and to improve competitive conditions. The procedure is as follows:

"I. Method of applying for a trade-practice conference. In authorizing a trade-practice conference, the Commission must

(*) Package Macaroni Industry: Federal Trade Commission pamphlet issued July 6, 1920, pps. 2 and 3.

(**) For order creating the Division of Trade Practice Conferences see Appendix A.

first be assured that the holding of such a conference is desirable and to the best interest of the industry and the public. An application, in the form of a petition or informal communication should contain the following information:

"1. A brief description of the business for which the conference is intended, stating also the products manufactured or the commodities distributed; the annual volume of production, volume of sales, capitalization of the industry, or like items should be approximated in order to furnish an idea of the size and importance of the industry.

"2. The authority of the person making the application must also be shown. If the application is made by an association executive, a resolution showing the action of the association should be submitted, together with a statement showing the percentage of the entire industry represented by the association membership, which may be given on the basis of volume of business, or numerically, or both. If the application comes from an unorganized group, the percentage of the entire industry represented by the group applying for the conference should be indicated.

"3. The application should state whether the conference is intended for all branches of the industry, or is to be limited to a particular branch of branches thereof. If the resolutions adopted by manufacturers, for example, are confined to practices which do not materially affect distributors, there would be no particular reason for including distributors; however, if the proposed action involves distribution, the distributors should be included.

"4. The application should also set out the various unfair methods of competition, trade abuses, and uneconomic and unethical practices which exist in the industry at the time the application is filed and which the industry desires to eliminate through the medium of a trade-practice conference. This, however, does not limit discussion at the conference to the particular subjects thus proposed, as the conference itself constitutes an open forum wherein any practice existing in the industry may be brought forward as a proper subject for consideration. Any resolutions submitted by a committee or member of the industry prior to the holding of a trade-practice conference are tentative and their introduction does not prohibit other members of the industry from presenting new or different resolutions.

"If convenient, the application should be accompanied by a complete and accurate list of the names and addresses of all firms in the industry, or such list may be furnished shortly thereafter. This list should be divided or symbolized to indicate the types of concerns; i.e., manufacturers, distributors,

that it represents no decision or judgment on the part of the Commission and is in no sense binding upon any one not present at the meeting. Nor indeed is it binding upon any one who is present at the meeting but who dissents from the majority opinion. The effect is that the weight of opinion of the industry has been communicated to the Commission and that thereafter the Commission will feel it to be its duty in case complaints are made to it of a continuance of the condemned practices on the part of any member of the industry, to issue its formal complaint, after inquiry and the public interest determined, in order that by means of a formal and orderly proceeding with an opportunity for subsequent court review, the judgment of the industry may be subjected to the final test of the courts. Also in case of a division of opinion on any given practice, the Commission considers the question to be so much in doubt that it should be left entirely open to be challenged, if any one desires to challenge it, and made the subject of a more formal proceeding.

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"In a trade-practice submittal it is deemed to be proper for the members of the industry to discuss any and all subjects pertaining to the conduct and management of business and to any and all trade practices. A subject which is not deemed to be proper to be discussed is any question which bears on prices or price-fixing." (*)

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(*) Package Macaroni Industry: Federal Trade Commission pamphlet issued July 6, 1930, pps. 2 and 3.

(**) For order creating the Division of Trade Practice Conferences see Appendix A.

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"4. The application should also set out the various unfair methods of competition, trade abuses, and uneconomic and unethical practices which exist in the industry at the time the application is filed and which the industry desires to eliminate through the medium of a trade-practice conference. This, however, does not limit discussion at the conference to the particular subjects thus proposed, as the conference itself constitutes an open forum wherein any practice existing in the industry may be brought forward as a proper subject for consideration. Any resolutions submitted by a committee or member of the industry prior to the holding of a trade-practice conference are tentative and their introduction does not prohibit other members of the industry from presenting new or different resolutions.

"If convenient, the application should be accompanied by a complete and accurate list of the names and addresses of all firms in the industry, or such list may be furnished shortly thereafter. This list should be divided or symbolized to indicate the types of concerns; i.e., manufacturers, distributors,

etc., which are to be included in the conference.

"II. Procedure following authorization by the Commission. After a conference has been authorized by the Commission, a time and place are arranged and anyone engaged in the industry may participate. Resolutions are introduced at the conference, freely discussed, and, if necessary, amended.

"Following the conference, the proceedings are reported to the Federal Trade Commission with appropriate recommendations. If the rules are approved by the Commission, they are sent to a committee of the industry appointed to cooperate with the Commission, with the request that this committee report to the Commission whether it is willing to accept, on behalf of the industry, the rules as approved by the Commission. Following acceptance of the rules by such committee, every member of the industry is furnished with a copy of the Commission's action, together with a form for his acceptance.

"After a trade-practice conference has been held, the Commission retains an active interest in the observance of the rules adopted by the industry and approved by the Commission." (*)

The Federal Trade Commission approved or accepted Trade-Practice Rules for 143 industries before the passage of the National Industrial Recovery Act.

The rules governing Trade-Practice Conferences for the Oil Industry and the Motion Picture Industry were rescinded. The rules for the Cottonseed Oil Mills Industry have been rescinded by the action of the Commission. The rules for the Trunk and Luggage and Brief Case Industry were later revised and submitted to representatives of the Industry for acceptance or rejection. The modified rules were never accepted by the Industry and consequently there are no rules in effect for this Industry.

5. Stipulations.

In addition to the issuance of an "order of cease and desist" from unfair trade-practices, the Federal Trade Commission has adopted an informal procedure by use of so-called "Stipulations". Under this procedure the respondent agrees to discontinue certain specific practices. No formal complaint is issued by the Federal Trade Commission and the name of the respondent is not made public. This method has saved a considerable amount of time and money and has reduced the number of formal complaints.

4. Trade-Practice Conferences Since the Termination of the NRA Codes.

By Executive Order No. 7912 of September 26, 1938, (**) the President delegated to the Federal Trade Commission all his authority to ap-

(*) Annual Report: Federal Trade Commission. Fiscal Year ended June 30, 1935. Part III. Trade-Practice Conferences, pp. 35-36.

(**) See Appendix B, Executive Order, Delegation of Authority to the Federal Trade Commission to approve certain Trade-Practices.

prove trade-practice provisions of voluntary trade agreements under the National Industrial Recovery Act as extended (up to April 1, 1936).

For nearly a year two ways for voluntary elimination of unfair trade-practices have been open to industry: (1) Trade-Practice Conferences under the Federal Trade Commission Act; (2) Voluntary Trade Agreements under the National Industrial Recovery Act as extended. The latter, however, cannot endure longer than the act which authorizes them.

The rules agreed upon in both cases replace the former NRA codes.

Voluntary trade agreements under the National Industrial Recovery Act as extended must contain: (a) trade practice rules, approved by the Federal Trade Commission; and (b) labor provisions, approved by the President.

No labor provisions need be included under the procedure of the Federal Trade Commission's Trade-Practice Conferences.

To our knowledge, the following 16 industries have adopted trade-practice rules since the termination of NRA codes and submitted them to the Federal Trade Commission for its consideration and approval:

Asphalt, Shingle and Roofing Manufacturing Industry
Buff and Polishing Wheel Manufacturing Industry
Candle Manufacturing Industry
Cotton Converting Industry
Expanding and Specialty Paper Products Industry
Fertilizer Industry
Fire Extinguishing Appliance Manufacturing Industry
Juvenile Wheel Goods Industry
Ladies' Handbag Manufacturing Industry
Paper Drinking Straw Manufacturing Industry
Retail Automobile Dealers
Rock and Slag Wool Manufacturing Industry
Spiral Tube and Core Manufacturers of the Mid-Western Division of the Fibre Can and Tube Industry
Steel Tubular and Firebox Boiler Manufacturing Industry
Vegetable Ivory Button Manufacturing Industry
Wholesale Tobacco Trade

The following industries: Asphalt Shingle and Roofing Industry; Candle Manufacturing Industry; Expanding and Specialty Paper Products Industry; Rock and Slag Industry and Wholesale Tobacco Trade have included Labor Provisions and referred them to the National Recovery Administration. To our knowledge the trade-practice rules for the Wholesale Tobacco Trade Industry and the Fire Extinguishing Appliance Manufacturing Industry have been approved by the Federal Trade Commission. The trade-practice rules for the Retail Automobile Dealers have been disapproved by the Federal Trade Commission.

III. SUMMARY STATEMENT OF TRADE-PRACTICE CONFERENCE RULES

The general summary of trade-practice conference rules is presented in two section. Section A contains a tabulation(*) of the number of trade-practice conferences by types of trade-practice conference rules. Section B, by a series of notes, explains and expands the material in the tabulation.

A. Tabulation of Trade Practice Conferences by Types of Trade-Practice Conference Rules.

Trade-practice conference rules of 143 trade-practice conferences and trade submittals are included in this tabulation(**)

A certain number of relatively unimportant trade-practice conference rules have been omitted from the tabulation but are included in the list of Trade-Practice conference rules. (***)

The stubs on the left side of the tabulation show the type of the trade-practice conference rules adopted or accepted by the Federal Trade Commission. Opposite these stubs are given the numbers of trade-practice conferences in which this type of rule appears. The first column contains the total of all trade-practice conferences and the others the totals for each of the 21 industry groups. (****)

Each column is sub-divided into two groups, designated Group No. 1 and Group No. 2. Group No. 1 rules express unfair methods of competition, while Group No. 2 contain: rules condemned by the industries as trade abuses, unethical or wasteful practices; rules recommending certain functions or approving certain useful practices.

The number of trade practice conferences in Group No. 2 are followed in the tabulation by the following symbols: (A) Approved; (C) Condemned; (D) Discouraged; (E) Encouraged; (R) Recommended.

The Federal Trade Commission gives the following explanation of Group No. 1 and Group No. 2 rules.

> "Rules approved by the Commission relate to practices violative of the law and are designated group 1. Other resolutions adopted by the industry, and received by the Commission as expressions of the trade on the subjects covered, are classified as group 2.
>
> "Explanation of group 1 rules.- The unfair trade practices which are embraced in group 1 rules are considered to be unfair methods of competition within the decisions of the Federal

---

(*) See Chart following page .

(**) For list of Trade-Practice Conferences, See Appendix C.

(***) For list of Trade-Practice Conference Rules adopted or accepted by the Federal Trade Commission, see Appendix D.

(****) For list of Industry Groups, See Appendix E.

Trade Commission and the courts, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

"Explanation of group 2 rules.- The trade practices embraced in group 2 rules do not, per se, constitute violations of law. They are considered by the industry either to be unethical, uneconomic, or otherwise objectionable; or to be conducive to sound business methods which the industry desires to encourage and promote. Such rules, when they conform to the above specifications and are not violative of law, will be received by the Commission, but the observance of said rules must depend upon and be accomplished through the cooperation of the members of the industry concerned, exercised in accordance with existing law. Where, however, such practices are used in such a manner as to become unfair methods of competition in commerce or a violation of any law over which the Commission has jurisdiction, appropriate proceedings will be instituted by the Commission as in the case of a violation of group 1 rules."(*)

Contrary to the Trade-Practice Conference procedure, in the Trade-Practice Submittals the unfair methods of competition, i.e., practices in violation of law, are not distinguished from other practices in violation of law, are not distinguished from other practices and trade abuses not illegal in themselves. The few rules of Trade-Practice Submittals have been classified on the chart under Group No. 2.

Rules referring to enticement of competitor's or customer's employees, interference with performance of contractual relations, commercial bribery, inaccurate or deceptive advertising, defamation of competitors, false disparagement of competitors' goods and discrimination in prices, which generally belong to group 1, have been tabulated on the chart under group 2, when the rules were specified in Trade-Practice submittals.

(The chart of Tabulation follows this page.)

(*) Annual Report, Federal Trade Commission, Fiscal year ended June 30, 1935. Part III. Trade-Practice Conferences, pp. 96-97.

NUMBER OF TRADE-PRACTICE CONFERENCES, BY INDUSTRY GROUPS, CONTAINING SPECIFIED TRADE-PRACTICE CONFERENCE RULES

TRADE-PRACTICE CONFERENCE RULES	TOTAL	1- METALS-FERROUS AND NON-FERROUS		2- NON-METALLIC MINERALS		3- FUEL		4- FOREST PRODUCTS		5- CHEMICALS, DRUGS, PAINTS		6- PAPER		7- RUBBER		8- EQUIPMENT AND MACHINERY		9- FOOD		10- TEXTILES—FABRICS		11- TEXTILES—APPAREL		12- LEATHER AND FURS		13- FABRICATING		14- GRAPHIC ARTS		15- CONSTRUCTION		16- TRANSPORTATION AND COMMUNICATION		17- FINANCE		18- RECREATION		19- SERVICE TRADES		20- DISTRIBUTING TRADES: WHOLESALE		21- DISTRIBUTING TRADES: RETAIL	
	GROUP	GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP	
	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2
COST ACCOUNTING SYSTEMS		44 (R)		1 (R)		8 (R)						1 (R)		4 (R)				2 (R)		3 (R)		2 (R)				12 (R)		2 (R)		2 (R)						2 (R)				4 (R)	
MINIMUM PRICE PROVISIONS																																								
SELLING BELOW COST	82				15		3				2		8			7		8		4		3			15		3		2							5		7		
TERMS OF PAYMENT																																							
DISCRIMINATORY CASH DISCOUNTS	2				1																				1															
DELAYED BILLING		1 (C)																								1 (C)														
ADVANCED BILLING		1 (C)																								1 (C)														
FREIGHT AND TRANSPORTATION TERMS																																							
F O B BASIS OF SELLING (ALLOWANCE IN EXCESS OF ACTUAL AMOUNT)	1	2 (C)			1				1 (C)							1 (C)																							
DELIVERED BASIS OF SELLING (ALLOWANCE IN EXCESS OF ACTUAL AMOUNT)	1	3 (C)			1	1 (C)			1 (C)							1 (C)																							
OMITTING FREIGHT CHARGES IN COMPUTING DELIVERED PRICES	1	1 (C)																1	1 (C)																					
ABSORPTION BY SELLER OF PACKING AND TRUCKING CHARGES BEYOND CITY LIMITS	3	8 (C)			2	3 (C)			2 (C)									1	1 (C)																		1			
SHIPMENTS																																							
DELIVERY OF PRODUCTS AT WHOLESALE PLANTS INTO PURCHASERS' WAGONS OR TRUCKS		2 (D)					2 (D)																																
SELLING OF PRODUCTS FROM WAGONS OR TRUCKS TO OTHER MOTOR VEHICLES		1 (C)					1 (C)																																
OPEN PRICE SYSTEMS																																							
INDEPENDENT PUBLICATION AND CIRCULARIZATION OF PRICE LISTS		50 (A)				7 (A)		3 (A)		2 (A)		3 (A)		2 (A)				8 (A)		3 (A)		1 (A)		2 (A)		12 (A)		2 (A)		1 (A)								4 (A)		
TERMS OF SALE, DEFINITE PART OF PRICE LISTS		49 (A)				7 (A)		1 (A)		3 (A)		2 (A)		2 (A)				7 (A)		3 (A)		2 (A)		2 (A)		11 (A)		3 (A)		2 (A)								4 (A)		
POSTING OF PRICES BY DISTRIBUTORS AT POINT OF DELIVERY		2 (A)					2 (A)																																
DEVIATION FROM POSTED PRICES	1	2					2 (C)									1																							
STRICT ADHERENCE TO PUBLISHED PRICES AND TERM OF SALE		1 (R)																				1 (R)																	
PUBLICATION OF ADVANCE OR DECLINE IN PRICES		5 (A)				4 (A)						1 (A)																												
DUMPING																																							
SELLING IN MARKETING TERRITORIES OF COMPETITORS BELOW COST OR GENERAL MARKET	1	2 (C)				1 (C)								1 (C)																								1		
PRICE GUARANTEES AND OTHER OFFERS OF PRICE PROTECTION																																							
GUARANTEE AGAINST PRICE ADVANCE OR DECLINE		4 (C)							1 (C)			2 (C)				1 (C)																							
BLANKET CONTRACTS		4 (C)				2 (C)						1 (C)				1 (C)																							
REBATES, REFUNDS																																							
SECRET PAYMENT OR DISCRIMINATORY ALLOWANCE OF REBATES, REFUNDS OR OTHER CONCESSIONS	94	2 (C)			17		2		4		4	1 (C)	7			9		6		6		3			18	1 (C)	4		3							5		6		
ALLOWANCES																																							
DISCRIMINATORY ADVERTISING ALLOWANCES		1 (C)				1 (C)																																	
RENDERING FINANCIAL ASSISTANCE TO BUYERS OR OTHERS																																							
SUBSIDIZING OR FINANCING PROFESSIONAL OR PROMINENT USERS OF PRODUCTS, BUYERS	2	2 (C)																	1 (C)						2	1 (C)													
CONDITIONAL SALES																																							
SALES ON TRIAL OR APPROVAL		1 (A)																																		1 (A)			
SHIPMENTS WITHOUT ORDER		1 (C)				1 (C)																																	
SALES ON CONSIGNMENT OR MEMORANDUM	17	6 (C)			5	1 (C)	3				1	1 (C)				1 (C)		1 (C)		1 (C)		1			4		1									1 (C)	2			
PRODUCT AND MAINTENANCE GUARANTEE																																								
UNIFORM PRODUCT GUARANTEE		1 (R)																	1 (R)																					
PRODUCT GUARANTEE WITHOUT PROVISION FOR REPLACEMENT OF DEFECTIVE PARTS		1 (C)														1 (C)																							
MISLEADING OR DECEPTIVE PRODUCT GUARANTEE	3																	2							1														
PRODUCT GUARANTEE IN COMPLIANCE WITH FEDERAL OR STATE LAWS		1 (R)																	1 (R)																					

SYMBOLS A - APPROVED, C CONDEMNED, D - DISCOURAGED, E - ENCOURAGED, R - RECOMMENDED

NRA
DIVISION OF REVIEW
STATISTICS SECTION
NO 525

NUMBER OF TRADE-PRACTICE CONFERENCES, BY INDUSTRY GROUPS, CONTAINING SPECIFIED TRADE-PRACTICE CONFERENCE RULES

TRADE-PRACTICE CONFERENCE RULES	TOTAL	1- METALS-FERROUS AND NON-FERROUS		2- NON-METALLIC MINERALS		3- FUEL		4- FOREST PRODUCTS		5- CHEMICALS, DRUGS, PAINTS		6- PAPER		7- RUBBER		8- EQUIPMENT AND MACHINERY		9- FOOD		10- TEXTILES—FABRICS		11- TEXTILES—APPAREL		12- LEATHER AND FURS		13- FABRICATING		14- GRAPHIC ARTS		15- CONSTRUCTION		16- TRANSPORTATION AND COMMUNICATION		17- FINANCE		18- RECREATION		19- SERVICE TRADES		20- DISTRIBUTING TRADES- WHOLESALE		21- DISTRIBUTING TRADES- RETAIL	
		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP	
		1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2
RETURNS AND ADJUSTMENTS																																									
UNWARRANTED RETURN OF MERCHANDISE		2 (C)																																					2 (C)		
EXCHANGING OR CORRECTING ACCEPTED MERCHANDISE, HELD FOR UNREASONABLE TIME		1 (C)							1 (C)																																
RENDERING ADDITIONAL OR SPECIAL SERVICES																																									
FREE WAREHOUSING OR STORAGE		1 (C)											1 (C)																								1					
RECONDITIONING, REPAIRING, IMPROVEMENT OR MAINTENANCE	2	2 (C)				1	1 (C)										1 (C)																								
OTHER SPECIAL OR ADDITIONAL SERVICES		2 (C)			1 (C)												1 (C)																								
SUPPLYING ADDITIONAL OR SPECIAL GOODS																																									
FREE DEALS		3 (C)																1 (C)																		1 (C)			1 (C)		
SAMPLES FREE, OR MADE ESPECIALLY TO SPECIFICATIONS OF PROSPECTIVE CUSTOMERS		3 (C)												1 (C)				1 (C)		1 (C)																				
GIFTS, GRATUITIES TO PURCHASERS, SELLERS, ENTERTAINMENT, WITH THE PURPOSE OF INFLUENCING A SALE		8 (C)			1 (C)				1 (C)		1 (C)						2 (C)		1 (C)						2 (C)														
PREMIUMS, PRIZES, GIFTS, LOTTERIES IN CONNECTION WITH SALES	6	9 (C)		2		1	1 (C)				1 (C)					1	3 (C)		1 (C)							1 (C)								1 (C)	2	1 (C)			
FORMS OF OFFERS, ORDERS, AGREEMENTS																																									
ADOPTION OF STANDARD FORM OF CONTRACT OR SALES PROPOSAL		20 (R)			8 (R)				1 (R)				3 (R)				2 (R)				1 (R)			1 (R)					1 (R)										
ADOPTION OF PROPER, DETAILED INVOICE OR BILL OF LADING		2 (R)							1 (R)																		1 (R)													
CONTRACTUAL OBLIGATIONS OR AGREEMENTS																																									
ADHERENCE TO CONTRACT IN LETTER AND SPIRIT		27 (R)	1 (R)	2 (R)		2 (R)				2 (R)		3 (R)						3 (R)		2 (R)		1 (R)				6 (R)		2 (R)		1 (R)								2 (R)		
VIOLATION OF AGREEMENT BY BUYER OR SELLER		6 (C)			1 (C)															1 (C)						1 (C)											3 (C)		
STANDARDS																																									
ADOPTION OF PRODUCT STANDARDS		15 (A)							1 (A)		1 (A)		1 (A)				2 (A)		1 (A)		4 (A)					3 (A)		2 (A)							2 (A)					
AVOIDANCE OF PRODUCT STANDARDS	5			1				1										1						1														1	
ADOPTION OF PACKAGING AND CONTAINER STANDARDS		3 (A)																	3 (A)																					
AVOIDANCE OF PACKAGING AND CONTAINER STANDARDS	5			1				1				1																												
STANDARD METHODS OF CLASSIFICATION, GRADING, MEASURING		3 (A)			2 (A)		1 (A)																																	
ALLOWANCES, TOLERANCES ON DIMENSIONS		2 (A)			1 (A)				1 (A)																															
SAFETY STANDARDS		2 (A)			1 (A)																										1 (A)								
LABELING REQUIREMENTS																																									
FAILURE TO LABEL PRODUCTS AS TO QUALITY OR OTHER PHYSICAL PROPERTIES OR CHARACTERISTICS	6	3 (C)		2	1 (C)			1								1		1	1 (C)					1	2 (C)										1 (C)				
LABELING OF PRODUCTS AS TO QUALITY OR OTHER PHYSICAL PROPERTIES OR CHARACTERISTICS		12 (A)			1 (A)				1 (A)		1 (A)										2 (A)		1 (A)		1 (A)		5 (A)											1 (A)		1 (A)
LABELING OF PRODUCTS AS TO ORIGIN OR TRADE MARK		5 (R)					1 (R)				1 (R)								1 (R)						1 (R)		1 (R)													
PIRACY AND IMITATIONS																																									
PIRACY OF STYLES, DESIGNS, IDEAS, SKETCHES, ETC.		14 (C)			2 (C)																4 (C)		2 (C)				3 (C)		1 (C)						1 (C)		1 (C)		
IMITATION OF TRADE MARK OR OTHER IDENTIFICATION OF COMPETITORS	51			6		2		1				5				3		2				2		6		2										2				
PATENT OR TRADE MARK INFRINGEMENT, DEALING DIRECTLY WITH ORIGINAL INFRINGERS ONLY		11 (R)			2 (R)						1 (R)		1 (R)												4 (R)		2 (R)											1 (R)		
COERCION, TRESPASS AND INTERFERENCE																																									
ABUSE OF BUYING AND SELLING POWER		3 (C)																			1 (C)																	2 (C)		
EXCLUSION OF MANUFACTURER OR PRODUCT	1	1 (C)																1 (C)																		1				
SALES CONTINGENT UPON BUYER'S AGREEMENT NOT TO DEAL WITH COMPETITOR	1																							1															
UNJUSTIFIED THREATS OF SUITS FOR PATENT OR TRADE MARK INFRINGEMENT	18			2						1		3										1		6		2								1		2			
REPUDIATION OR THREATS OF REPUDIATION OF CONTRACTS		28 (C)	1 (C)		2 (C)		2 (C)				2 (C)		4 (C)						3 (C)		2 (C)		1 (C)			6 (C)		2 (C)		1 (C)								2 (C)		
ESPIONAGE OF COMPETITORS	19			2		2		1		1		2						2				2		4		1										2				
ENTICEMENT OF COMPETITORS' OR CUSTOMERS' EMPLOYEES	43	2 (C)		5				1	1 (C)	5				4		3		2		2				9		3	1 (C)	1						4		3			1	
USE OF COMPETITORS' EQUIPMENT OR CONTAINERS, WITHOUT OWNER'S CONSENT	2	3 (C)		1												1	2 (C)				1 (C)																		
REMOVAL OF MANUFACTURERS' LABEL	1							1																												2				
INCITING, AIDING, ABETTING COMPETITORS' LABOR TROUBLES	2																							1																
COERCING THE PURCHASER BY DEMANDING THE PURCHASE OF GOODS ADDITIONAL TO THOSE REQUESTED	8	3 (C)		3										1	1 (C)	1	1 (C)							1												2	1 (C)			
INDUCING BREACH OF CONTRACTUAL RELATIONS	72		1	12		4		2		1		6		7		4		2		2				16		3		3								3		1		
INTERFERENCE WITH PERFORMANCE OR CONTRACTUAL RELATIONS	75	2 (C)	1	16	1 (C)	3		4		2		4		7		5	1 (C)	1		2				17		3		3								3		4		1	
COMMERCIAL BRIBERY	58	1 (C)	1	3		2		1		2		2		6		5	1 (C)	3		2				15		2		1								5		6			
INTERFERENCE WITH COMPETITOR'S RIGHTS TO CHOOSE SUPPLIERS	1																																					1			
COERCION TO FORCE REVISION OR MAINTENANCE OF PRICES		2 (C)			1 (C)										1 (C)																									

SYMBOLS: A-APPROVED; C-CONDEMNED; D-DISCOURAGED, E-ENCOURAGED, R-RECOMMENDED

NUMBER OF TRADE-PRACTICE CONFERENCES, BY INDUSTRY GROUPS, CONTAINING SPECIFIED TRADE-PRACTICE CONFERENCE RULES

TRADE-PRACTICE CONFERENCE RULES	TOTAL	1- METALS-FERROUS AND NON-FERROUS		2- NON-METALLIC MINERALS		3- FUEL		4- FOREST PRODUCTS		5- CHEMICALS, DRUGS, PAINTS		6- PAPER		7- RUBBER		8- EQUIPMENT AND MACHINERY		9- FOOD		10- TEXTILES—FABRICS		11- TEXTILES—APPAREL		12- LEATHER AND FURS		13- FABRICATING		14- GRAPHIC ARTS		15- CONSTRUCTION		16- TRANSPORTATION AND COMMUNICATION		17- FINANCE		18- RECREATION		19- SERVICE TRADES		20- DISTRIBUTING TRADES: WHOLESALE		21- DISTRIBUTING TRADES: RETAIL	
	GROUP			GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP	
	1	2		1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2
MISREPRESENTATION AND DECEPTION																																									
MISREPRESENTATION OF PRODUCTS	25	3(C)		4				3		1		2				2		6		2	1(C)		1(C)			2		1	1(C)							2					
MISREPRESENTATION OF PRICES	20	3(C)		1	1(C)	1		1				1				3		1	1(C)		1(C)	1				3		1	2(C)							3	2(C)	3	2(C)	1	
MISREPRESENTATION OF SERVICES, FORMS OF BUSINESS, AFFILIATIONS, MARKETING CONDITIONS AND/OR ORIGIN	18																	3		1		1				2		1								7		2		2	
FALSE, FICTITIOUS MISDATED OR INCOMPLETE CONTRACTS, INVOICES, BILLS OF LADING OR OTHER DOCUMENTS OF TITLE	2	4(C)		2(C)		3(C)		2(C)		1(C)		1(C)		2(C)		7(C)			1(C)		2(C)					9(C)			1(C)		1(C)				2	1(C)		6(C)		1(C)
INACCURATE OR DECEPTIVE ADVERTISING	55	1(C)		6		3				2	1(C)	4				5		6		1		2				13		1		1						4		4		1	
DECEPTIVE LABELING, BRANDING, MARKING OR PACKING	29	2(C)		1(C)				4		3		4				6		4	2(C)	5		3				12		2		2						3				1	
DECEPTIVE SELLING METHODS	29	1(C)		4		1		2								2		3	1(C)	2		1				7		2		1						3		1			
DEFAMATION OF COMPETITORS	77	2(C)	1	5		8		3		3	1(C)	7				8		8	1(C)	3		5				13		3		1						8		5			
FALSE DISPARAGEMENT OF COMPETITORS' GOODS	74	1(C)	1	12		2		3		3	1(C)	8				8		7		3		2				13		3		1						6		4			
DECEPTIVE PROMISES OF DELIVERY		2(C)																	1(C)								1(C)													
SHIPPING OR PERFORMING AT VARIANCE FROM CONTRACT, REPRESENTATION OR GOVERNMENTAL LAWS	30	4(C)	1	7	1(C)								1(C)			2		3				1				9	1(C)			2								8	1(C)		
DISCRIMINATION IN PRICES, TERMS, SERVICES AND/OR PRIVILEGES																																								
DISCRIMINATION IN PRICES	81	3(C)		14		2		4		3	2(C)	4				8		6	1(C)	7		1				18		4		2						2		8			
DISCRIMINATION IN SERVICES OR PRIVILEGES	89			18		2		4		3		6				9		5		5		3				18		4		3						5		6			
CUSTOMER CLASSIFICATION																																								
DEFINITION OF CUSTOMER CLASSES		18(A)			2(A)		2(A)		2(A)								2(A)				2(A)						3(A)				2(A)								1(A)		
TRADE AND INDUSTRY CLASSIFICATION																																								
DEFINITION OF TRADE AND INDUSTRY CLASSES		10(A)			1(A)		1(A)		1(A)												1(A)						2(A)				1(A)						1(A)		2(A)		
QUANTITY DISCOUNTS																																									
PRICE DIFFERENTIALS BASED ON QUANTITIES		4(A)			1(A)				1(A)								1(A)										1(A)														
PRICE DIFFERENTIALS BASED ON COMBINED SHIPMENTS		3(C)			4(C)						1(C)																														
DEALING WITH AGENTS, BROKERS OR OTHER CONTROLLED SALES REPRESENTATIVES																																									
DEFINITION OF AGENTS, BROKERS OR OTHER CONTROLLED SALES REPRESENTATIVES		1(A)							1(A)																																
PRACTICE OF DISREGARDING COMMISSION OR FEES TO AGENTS, BROKERS OR OTHER CONTROLLED SALES REPRESENTATIVES		1(C)																									1(C)														
DEALING WITH OTHER THAN BONA FIDE AGENTS, BROKERS OR OTHER CONTROLLED SALES REPRESENTATIVES		1(C)									1(C)																														
RENTING, LOANING OR LEASING OF EQUIPMENT OR PROPERTY		7(C)					5(C)												2(C)																						
BIDDING AND AWARDING																																									
ADOPTION OF "ONE-BID" POLICY		5(A)			1(A)																		1(A)				1(A)				1(A)								1(A)		
MISLEADING OR DECEIVING ANY BIDDER RELATIVE TO COMPETITORS' BIDS	1	4(A)		1	1(A)																		1(A)				1(A)				1(A)									
FAKE, FICTITIOUS OR "BLIND" BIDS		5(C)			1(C)																		1(C)				1(C)				1(C)								1(C)		
INTENTIONALLY LEAVING OUT OF MATERIALS FROM SPECIFICATIONS		1(C)																									1(C)														
LOWERING ONE'S BIDS WITHOUT CHANGES IN SPECIFICATIONS		1(C)																									1(C)														
ADOPTION OF UNIFORM RULES FOR CALLING FOR BIDS		2(A)																									1(A)				1(A)										
SUBMITTING SUB-BIDS AFTER THE GENERAL CONTRACT HAS BEEN AWARDED		1(C)																									1(C)														
REVISION OF BIDS AFTER OPENING, HANDLING OF SAME AS ORIGINAL BID		5(R)			1(R)																		1(R)				1(R)				1(R)								1(R)		
BID-SHOPPING PRACTICES		2(C)																									1(C)														
EQUALIZATION OF BUYERS' PRIVILEGES OF BIDDING WITH SELLERS' PRIVILEGES OF OFFERINGS		1(R)																	1(R)																						
SUBMISSION OF ADDITIONAL INFORMATION OR INTERPRETATION IN RE TO BIDS TO ALL BIDDERS SIMULTANEOUSLY		3(R)																					1(R)				1(R)				1(R)										
COLLUSION WITH AWARDING AUTHORITY		3(C)			1(C)																						1(C)				1(C)										
BIDDING OR QUOTING ON PROJECTS UNABLE TO CARRY OUT		1(C)																									1(C)														

SYMBOLS A- APPROVED, C- CONDEMNED, D-DISCOURAGED, E- ENCOURAGED, R- RECOMMENDED

NUMBER OF TRADE-PRACTICE CONFERENCES, BY INDUSTRY GROUPS, CONTAINING SPECIFIED TRADE-PRACTICE CONFERENCE RULES

TRADE-PRACTICE CONFERENCE RULES	TOTAL		1- METALS-FERROUS AND NON-FERROUS		2- NON-METALLIC MINERALS		3- FUEL		4- FOREST PRODUCTS		5- CHEMICALS, DRUGS, PAINTS		6- PAPER		7- RUBBER		8- EQUIPMENT AND MACHINERY		9- FOOD		10- TEXTILES—FABRICS		11- TEXTILES—APPAREL		12- LEATHER AND FURS		13- FABRICATING		14- GRAPHIC ARTS		15- CONSTRUCTION		16- TRANSPORTATION AND COMMUNICATION		17- FINANCE		18- RECREATION		19- SERVICE TRADES		20- DISTRIBUTING TRADES, WHOLESALE		21- DISTRIBUTING TRADES, RETAIL	
	GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP		GROUP	
	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2
MECHANISMS ACCEPTED BY THE FEDERAL TRADE COMMISSION																																										
PRACTICE OF HANDLING DISPUTES IN A FAIR AND REASONABLE MANNER		42 (A)		1 (A)		6 (A)		2 (A)		3 (A)		1 (A)		3 (A)				1 (A)		4 (A)		3 (A)		3 (A)				7 (A)		1 (A)		2 (A)						1 (A)		4 (A)			
FORMAL ARBITRATION AS MEANS OF SETTLEMENT OF DISPUTES		43 (R)		1 (R)		6 (R)		2 (R)		3 (R)		1 (R)		3 (R)				1 (R)		4 (R)		3 (R)		3 (R)				8 (R)		1 (R)		2 (R)						1 (R)		4 (R)			
CREATION OF TRADE-PRACTICE COMMITTEES		33 A		1 (A)		7 (A)		2 (A)				1 (A)		3 (A)						4 (A)		2 (A)		3 (A)				6 (A)				1 (A)						1 (A)		2 (A)			
DISTRIBUTION OF INFORMATION IN RE TO CREDIT ACCOUNTS PAST DUE, DELINQUENT AND SLOW		15 (A)				5 (A)														3 (A)								3 (A)				1 (A)								3 (A)			
COMPILATION AND DISTRIBUTION OF STATISTICS IN RE TO PRODUCTION, DISTRIBUTION AND MARKETING		8 (A)				1 (A)														1 (A)								2 (A)		1 (A)										3 (A)			
ENDORSEMENT AND OBSERVANCE OF APPROVED TRADE-PRACTICE RULES		2 (R)				1 (R)																		1 (R)																			
CONDEMNATION OF TRADE ABUSES AND UNFAIR METHODS OF COMPETITION		3 (C)				1 (C)																						1 (C)														1 (C)
AIDING OR ABETTING OF THE USE OF UNFAIR TRADE-PRACTICE RULES	3																				1				1				1													
DEVIATION FROM ESTABLISHED STANDARDS OF INDUSTRY	11				4								4										1		2												1					
SALE OF PRODUCTS ON THE BASIS OF QUALITY AND INTRINSIC VALUE		5 (E)				2 (E)								1 (E)														1 (E)												1 (E)			
RECOMMENDATION OF CONSUMERS' PROTECTION		1 (R)				1 (R)																																				
EXTENSION OF CREDIT TO DEALERS ENGAGING IN UNFAIR METHODS OF COMPETITION		1 (C)																										1 (C)														

B. Notes on Items Appearing in the Tabulation.

The series of notes which follow explain and expand the material in the tabulation. A note is incorporated for each group of Trade-Practice Conference rules listed in the tabulation and the notes are arranged in the order in which the trade-practice rules are presented in the tabulation.

The following types of Trade-Practice Conference rules have been adopted in the Trade-Practice Conferences;

1. Cost Accounting Systems.

A typical rule for the establishment of cost accounting systems is as follows:

"It is the judgment of the Industry that an accurate knowledge of cost is indispensable to intelligent and fair competition and the general adoption of accurate and standard methods of cost finding and estimating is recommended by the Industry."

The rules for the Fabricators of Ornamental Iron Bronze and Wire recommend also that:

"adequate steps be taken to persuade architects to properly group and separately specify the metal work to definitely stimulate what is required as (a) structural steel and iron work, (b) ornamental iron work, (c) miscellaneous iron work, etc."

Some of the rules define the term "cost" in the following way:

"The term 'cost' in the opinion of the Industry should be interpreted to include among other items the cost of raw materials, transportation, manufacturing, depreciation, depletion, obsolescence, interest on investment, selling and administrative expense."

2. Minimum Price Provisions.

The standard form for this rule is as follows:

a. Selling Below Cost.

"The selling of goods or facilities below cost with the intent and with the effect of injuring a competitor, and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade is unfair trade practice."

3. Terms of Payment.

The text of these rules is as follows:

a. Discriminatory cash discounts.

"The variable practice of granting to certain purchasers cash discounts which are not allowed to other purchasers of the same class

where the effect is to substantially lessen competition or unreasonably restrain trade or tend to create a monopoly is an unfair practice."

b. Delayed billing.

"Sending invoices an unreasonable time after the merchandise is shipped, preventing the buyer from marking and placing the merchandise on his shelves immediately upon arrival is condemned by Industry."

c. Advanced billing.

"Sending invoices an unreasonable time in advance of the shipping of the merchandise, necessitating the taking of cash discounts before the merchandise is received and inspected is condemned by Industry."

4. Freight and Transportation Terms.

The nature of these rules is as follows:

a. F.O.B. basis of selling (allowance in excess of actual amount).

"If products are sold on F.O.B. mill basis or F.O.B. sellers' warehouse, or city, the allowance of transportation or trucking charges in excess of the actual or published amount of such charge is considered an unfair trade-practice and is also condemned by Industry."

b. Delivered basis of selling (allowance in excess of actual amount).

"If products are sold on delivered basis, transportation charges to be paid by the consignee, the allowance of transportation or trucking charges in excess of the actual or published amount of such charges is considered an unfair trade-practice."

c. Omitting freight charges in computing delivered prices.

The failure to deduct full transportation charges in case products are purchased on delivered basis is considered unfair.

d. Absorption by seller of packing and trucking charges beyond city limits.

The granting of free trucking or transportation charges beyond city limits unless published with the price and allowed to all customers buying similar quantities within the same territory is considered an unfair trade practice. The failure of the seller to require the purchaser in each instance to pay published charges for packing is condemned by Industry.

5. Shipments.

The rules specified below illustrate the following practice:

a. Delivery of products at wholesale plants into purchasers' wagons or trucks.

"The practice of making deliveries of gasoline at refineries or wholesale plants into tank wagons or trucks operated by or for the purchaser thereto is discouraged."

b. Selling of products from wagons or trucks to other motor vehicles.

"Gasoline shall not be sold from tank wagons or trucks to other motor vehicles."

6. Open price Systems.

Standard rules read as follows:

a. Independent publication and circularization of price lists.

"The Industry approves the practice of each individual member of the Industry independently publishing and circularizing to the purchasing trade its own price lists."

b. Terms of sale, definite part of price lists.

"The Industry hereby records its approval of the practice of making the terms of sale a part of all published prices."

c. Posting of prices by distributors at point of delivery.

"All. . . distributors, jobbers, and wholesalers shall conspicuously post at each point from which they make delivery the several posted prices of products for each class of delivery for such deliveries at the time of delivery. Retailers, operators, serving consumers . . . shall conspicuously post at the place from which delivery is made prices at which the product is sold.

d. Deviation from posted prices.

"Any deviation from published or posted prices is considered unfair."

e. Strict adherence to published prices and terms of sale.

It is recommended that terms of sale shall be open and strictly adhered to.

f. Publication of advance or decline in prices.

The following illustrates this rule:

"The Industry approves the practice of each individual member of the Industry independently publishing and circulating to the purchasing trade its own prices and also notices of all advances, declines and other changes in prices after such changes have been made."

7. Dumping.

The standard form of the rule is:

a. Selling in marketing territories of competitors below cost or general market.

"The practice of certain manufacturers and sellers of shipping quantities of merchandise into territories outside their particular territories and of selling such merchandise below the general market prevailing in such other territories into which shipments are made, seriously tend to demoralize the markets within the territories . . . and is condemned by Industry."

8. Price Guarantees and Other Offers of Price Protection.

a. Guarantee against price advance or decline.

"The sale or offering for sale of any product . . . under any form of guarantee to the purchaser or proposed purchaser against either advance or protection against decline in the price of a said product is condemned by Industry."

b. Blanket contracts.

The acceptance of contracts without statement of specifications or blanket contracts is condemned by Industry.

9. Rebates, Refunds.

a. Secret payment or discriminatory allowance of rebates, refunds or other concessions.

The standard rule used in 94 Trade-Practice Conferences is as follows:

"The secret payment of discriminatory allowance of rebates, refunds, commissions, or unearned discounts, whether in the form of money or otherwise . . . is an unfair trade practice."

10. Allowances.

a. Discriminatory advertising allowances.

Discriminatory or secret allowances or subsidies for advertising, promotion or exhibits, etc., are condemned.

11. Rendering Financial Assistance to Buyers or Other Persons.

a. Subsidizing or financing professional or prominent users of products, buyers.

Subsidizing of jobbers' salesmen; giving money to teachers, school officials, or representatives of public or private educational institutions; paying of salaries, fees to professional or prominent users of products, in order to influence sale is considered unfair.

12. Conditional Sales.

a. Sales on trial or approval.

The China Recess Accessories Industry expresses its approval of the trade custom of a 30-day trial period.

13. Shipments Without Order.

The Gypsum Industry condemns:

"The practice of making shipments other than those involving mere transfer of material to the warehouse or plant of shipper, without in each case having an order from the customer for the shipment at the time of making same."

14. Sales on Consignment or Memorandum.

A standard rule reads as follows:

"The shipping of goods on consignment with the intent and with the effect of injuring a competitor and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade is an unfair trade practice."

15. Product and Maintenance Guarantee.

a. Uniform product guarantee.

Uniform product guarantee is recommended by the manufacturers to be filed with purchaser.

b. Product guarantee without provision for replacement of defective parts.

"The issuance of guarantees against defective material and workmanship, coupled with the guarantees of successful performance, which does not provide definitely for the replacement of defective parts on account of workmanship or material within a stated time, is condemned by Industry."

c. Misleading or deceptive product guarantee.

"The issuance by manufacturers of agreements in the form of

a guarantee which contains untrue and misleading statements and representations in regard to the quality, characteristics, methods of contruction of their products is considered unfair."

d. Product guarantee in compliance with Federal or State Laws.

The assembling branch of the Cheese Industry recommends the following rule:

"That each cheese assembler shall require that each individual cheese maker, cheese factory operator, agent or owner, shall furnish to each assembler or purchaser of cheese, a written guarantee that his or their products comply with the Federal or State Laws defining cheese."

16. Returns and Adjustments.

a. Unwarranted return of merchandise.

Unwarranted return of merchandise or purchasing merchandise and the returning of it is condemned by industry.

b. Exchanging or correcting accepted merchandise held for unreasonable time.

The Trade-Practice Conference of the Plywood Industry has adopted the following rule;

"The Industry hereby condemns the practice of manufacturers or distributors . . . to accept for correction any Plywood accepted and held by said purchaser for an unreasonable time and damaged through incorrect storage or detrimental climatic conditions."

17. Rendering Additional or Special Services.

a. Free warehousing or storage.

The Trade-Practice Conference for the Paperboard Industry has adopted the following rule:

"It is the judgment of this Industry that all quoted prices should be on the basis of delivery upon completion of manufacture. If the buyer requests a postponement of the shipment beyond the date originally specified a separate charge shall be made to cover the full costs or warehousing the goods."

b. Reconditioning, repairing, improvement or maintenance.

Ignoring the cost of reconditioning, improvements to existing structures of customers is considered unfair.

c. Other special or additional services.

Special services to customers without appropriate charges are condemned by Industry.

18. Supplying Additional or Special Goods.

a. Free deals.

Free deals are condemned by Industry.

b. Samples free, or made especially to specifications of prospective customers.

The practice of distribution of free samples, except in small quantities, or submitting samples made especially for or according to the specifications of a prospective buyer is to be discontinued.

c. Gifts, gratuities to purchasers, sellers, entertainment, with the purpose of influencing a sale.

Direct or indirect, lavish, excessive, pre-arranged entertainment; excessive personal gifts, donating funds, providing banquets or other entertainments for associations; giving of gratuities to purchasers; giving money or anything of value; and allowing unearned discounts for the purpose of influencing a sale are condemned by Industry.

d. Premiums, prizes, gifts, lotteries in connection with sales.

Premiums, bonuses, prizes, gifts, special discounts, lotteries, wheels of fortune, games of chance, special discounts used in connection with sales are condemned by Industry.

19. Forms of Offers, Orders, Agreements.

a. Adoption of standard form of contract or sales proposal.

Approval is recorded by industry of a uniform purchase contract and sales proposal form which should be used in all transactions and thoroughly protect the rights of both buyer and seller.

b. Adoption of proper, detailed invoice or bill of lading.

Approval of the practice of invoiving of goods sold by showing quantity, size, stock, total amount of order, amounts previously shipped, full information in connection with shipment, balance due on original order is recommended by Industry.

20. Contractual Obligations or Agreements.

a. Adherence to contract in letter and spirit.

The following standard rule is recommended by Industry:

"Contracts either written or oral are business obligations which should be performed in letter and spirit."

b. Violation of agreement by buyer or seller.

A typical form of this rule is as follows:

"Violation by either party, buyer or seller, of an agreement between them is condemned by Industry."

21. Standards.

a. Adoption of product standards.

A number of industries approve the establishment of minimum standards, standards of grade and quality, provisions and specifications of simplified practice recommendations, standard methods of installation, standard of size, etc.

b. Avoidance of product standards.

Some industries consider the avoidance of product standards unfair.

c. Adoption of packaging and container standards.

The adoption of packaging and container standards is approved by some industries.

d. Avoidance of packaging and container standards.

Certain industries consider the avoidance of packaging and container standards unfair methods of competition.

e. Standard methods of classification, grading, measuring.

Standard methods of classifying, grading and measuring are approved by Industry.

f. Allowances, tolerances on dimensions.

The practice of allowances, tolerances on dimensions is prescribed by some industries.

g. Safety standards.

The Flexible Cord and Heater Cord Industry has approved the rule which follows:

"It is a commonly accepted fact by insurance interests, electrical inspectors, municipal and state authorities and manufacturers that electrical wires, cables, and cords which are not of the character recognized by the National Electrical Code for construction and usage, as approved by the American Standards

Association, and standards which are established by the Underwriters' Laboratories, Inc., in cooperation with the Industry and approved by the American Standards Association, are a distinct and increasing hazard to life and property.

"It is also a commonly accepted fact that the standards above referred to represent minimum safety requirements and present no manufacturing difficulties. Therefore, the Industry condemns the manufacture, distribution and sale of electrical wires, cables and cords not made to comply with the above mentioned minimum safety standards for construction and usage, but which are designed only to under-sell those products providing minimum safety."

22. Labeling Requirements.

a. Failure to label products as to quality or other physical properties or characteristics.

A number of industries consider unfair the manufacture and sale of goods which are not plainly and accurately described, branded, graded or stamped. Some of the industries also disapprove the shipment of unlabeled products which makes possible an easy substitution of merchandise of lower quality for that of higher quality.

b. Labeling of products as to quality or other physical properties or characteristics.

A number of industries record their approval of labeling or identifying products so as to establish their grade, quality and quantity.

c. Labeling of products as to origin or trade mark.

Some of the industries recommend the placing of the manufacturers' trade-mark conspicuously and indelibly or the name and address of the packer on the label.

23. Piracy and Imitations.

a. Piracy of styles, designs, ideas, sketches, etc.

A standard form of this rule reads as follows:

"The practice of usurping designs, styles, or patterns, originated by competitors and appropriating them for one's own use . . . is condemned by Industry."

b. Imitation of trade mark or other idenfication of competitors.

A complete text of the rule is as follows:

"The imitation of the trade marks, trade names, slogans or other marks of identification of competitors, having the tendency and capacity to mislead or deceive purchasers or prospective purchasers is an unfair trade practice."

c. Patent or trade mark infringement; dealing directly with original infringers only.

A standard form of a rule reads as follows:

"The owner of a patent or trade mark should in fairness, deal directly with the alleged original infringor rather than attempt to intimidate his customers."

24. Coercion, Trespass and Interference.

a. Abuse of buying and selling power.

The following practice is condemned by Industry:

"The abuse of buying power to force uneconomic or unjust terms of sale upon sellers and the abuse of selling power to force uneconomic or unjust terms of sale upon buyers."

b. Exclusion of manufacturer or product.

The practice of joint trade action to exclude any manufacturer, merchant or product from the market is considered unfair.

c. Sales contingent upon buyer's agreement not to deal with competitor.

Leasing or selling goods or equipment with the understanding that the lessee or purchaser thereof shall not use or deal in the goods or equipment of a competitor of the lessor or seller is considered unfair trade-practice by Industry.

d. Unjustified threats of suits for patent or trade mark infringement.

The Industry considers the following an unfair trade-practice:

"The circulation of threats of suits for infringement of patent or trade mark among customers or competitors, not made in good faith but for the purpose and with the effect of harassing and intimidating customers."

e. Repudiation or threats of repudiation of contracts.

The following rule is standard for a number of industries:

"The repudiation of contracts by sellers on a rising market, or by buyers on a declining market, is equally reprehensible and is condemned by Industry."

The failure to fill orders or perform contracts, to live up to the promises in contracts or agreements, the practice of neglecting or failing to return signed contracts as a ground of repudiation of agreements is also condemned by industry.

f. Espionage of competitors.

The following is considered unfair by a number of industries:

"Securing information from competitors concerning their business by false or misleading statements or

representations or by false impersonations of one in authority and the wrongful use thereof to unduly hinder or stifle the competition of such competitors."

Surreptitiously obtaining information relative to competitor's bids or obtaining information from a competitor by any method of espionage is also considered unfair.

g. Enticement of competitor's or customers' employees.

The following rule may be quoted as an example:

"Wilfully enticing away the employees of competitors' with the purpose and effect of unduly hampering, injuring or embarassing competitors in their business is considered unfair."

The solicitation of services of salesmen or employees of other members of the Industry without notice to the employer is also considered unfair.

h. Use of competitors' equipment or containers without owner's consent.

The unauthorized use of returnable containers belonging to a competitor; the use without the consent of the owner of containers or other property employed in shipment; purchase or sale of products in used containers, bearing the brand, label or name of the producers or dealers other than the one producing or selling, with the intent of appropriating the patronage, property or business of a competitor; the adoption for one's own use by photostatic, photographic or other means of reproduction of the plans, cuts or other illustrations contained in publications originated by competitors is also considered unfair.

i. Removal of manufacturers' label.

Concealment or removal of grade or plant identification symbols or painting on any sign or colors of another company is considered unfair.

j. Inciting, aiding, abetting competitors' labor troubles.

The following is considered unfair by industry:

"To incite, aid, or abet . . . anything unlawful in connection with any strike, dispute, labor troubles, between any competitor and his employees, with the intent to cause such competitor monetary loss or loss of business, or other embarrassment."

k. Coercing the purchaser by demanding the purchase of goods additional to those requested.

Coercing the purchase of several products as a condition to the purchase of one or more products under exclusive control of the seller or to refuse to sell the customer one class of products or certain items unless he buys also another class or buys all his products is considered unfair.

l. Inducing Breach of Contractual Relations.

A standard form of this rule is as follows:

"Maliciously or wilfully inducing or attempting to induce the breach of existing contracts between competitors and their customers by any false or deceptive means whatsoever is unfair trade-practice."

m. Interference with performance or contractual relations.

The complete text of this rule follows:

"Interfering with or obstructing the performance of any contractual duties or services by any means, with the purpose and effect of unduly hampering, injuring, or embarassing competitors in their business is unfair trade-practice."

n. Commercial bribery.

"The secret payment or allowance to the officers, agents or employees of buyers of commissions, bonuses, rebates, or subsidies of any kind, nature or description . . . The paying, promising to pay or supplying to any agent or any intermediary, without the knowledge of his principle of money, gratuities, commissions or other consideration of any character for the purpose of inducing or compensating for his sale is considered unfair."

o. Interference with competitors' rights to choose suppliers.

The following practice is considered unfair by industry:

"The interference with a competitor's right to purchase his products and supplies from whomsoever he chooses, or to sell the same to whomsoever he chooses is considered unfair."

p. Coercion to force revision or maintenance of prices.

The following practice is condemned by industry:

"No manufacturer shall be under obligation to change or maintain his prices to meet the views of any manufacturer, or group of manufacturers."

25. Misrepresentation and Deception.

a. Misrepresentation of products.

False description of products, misrepresentation of grade, quality, point of origin, size, style, caliber, bursting strength, substance, measurement, heating capacity, quantity, place or origin of production, capacity, character or manufacture of products; the use of terms or expressions in the sale or offering for sale in a manner calculated to mislead or deceive the trade, and the false use of words in connection with sales of products; selling or offering for sale products of an industry containing in whole or in part materials which have previously been used; altering, repairing, or rebuilding products without disclosing the fact to the ultimate purchaser; misrepresentation of products in a sale, offering for sale, invoice, bill of lading, or other document of title are considered unfair trade-practices.

b. Misrepresentation of prices.

Offering for sale merchandise at the price reduced from a marked up or fictitious price; deceptive prices on certain temporarily selected brands of advertised products; publishing false or fictitious prices, discounts, or terms of sale; issuing fictitious bargain price lists; using inflated, deflated or misleading price quotations; using any uneconomic or misleading selling prices; offering to perform certain services at the stated price and then to refuse it, except at an additional charge; accepting work at the stated price and upon delivery try to collect or attempt to try to collect a surplus charge for claimed additional services performed are considered unfair trade practices.

c. Misrepresentation of services, forms of business, affiliations, marketing conditions, and/or origin.

Listing or stating inaccurately the relationship of members of a faculty, advisory board, to an educational institution; false statements or representations relating to actual or probable earnings of clients; using names which indicate or imply that an educational institution is a plant, factory, shop association other than an institution of learning; representation, advertisement or statement that a concern is a manufacturer, owner or operator of a mill producing an article of commerce when in fact such concern is not engaged in manufacturing such an article; promise or a guarantee of a job by an educational institution or promise of a raise in pay when the case is not so; the misrepresentation of the character and scope of any service offered; misrepresentation as to the ability of selling goods at reduced prices when the quantity of said goods is entirely inadequate to supply the reasonable trade; misrepresentation by designs, pictures, or statements that a concern occupies or utilizes

a factory or business space when only a certain part of it is actually occupied; using pictures or other symbols in connection with sales, advertisements of products with a tendency to mislead the purchasing public; misuse of such pictures as the National Capitol, Uncle Sam, etc.; and misuse of any title or statement that would lead to the belief that the institution has a connection with the United States Government are considered unfair.

d. False, fictitious, misdated or imcomplete contracts, invoices, bills of lading or other documents of title.

A standard form of trade-practice which is condemned by a number of industries follows:

> "The practice of withholding from or inserting in the invoice or contract statements which make the invoice or contract a false record, wholly or in part, of the transaction represented on the face thereof."

Invoicing a lesser quantity than the actual amount shipped; withholding from or inserting in a bill of lading statements which make same a false record; issuance of fictitious bills of lading or other documents of title; inclusion of erroneous weights therein; overbilling of shipments; post-dating or pre-dating of contracts; issuance of warehouse receipts when the products for which such receipts are issued have not been actually received; and issuance of negotiable warehousing receipts for products of which the one issuing such receipts is part or sole owner without stating the fact of such ownership are considered unfair.

e. Inaccurate or deceptive advertising.

A typical rule adopted by many industries is as follows:

> "The making or causing or permitting to be made or published any false, untrue, or deceptive statement by way of advertisement or otherwise concerning the grade, quality, quantity, substance, character, nature, origin, size or preparation of any product of the industry having a tendency and capacity to mislead or deceive purchasers is an unfair trade-practice."

Using false, misleading or exaggerated testimonials in advertising or selling; publishing testimonials regarding exceptional results, and misleadingly worded; selling under the inaccurate or untruthful claims are considered unfair.

f. Deceptive labeling, branding, marking or packing.

A standard rule reads as follows:

"The false marking or branding of products of the Industry, with the effect of misleading or deceiving purchasers with respect to the quantity, quality, grade or substance of goods purchased is an unfair trade-practice."

False marking or branding of products with respect to the type, weight, metal, make or finish, specifications, origin; stamping of false grade or brand identification symbols; false certification of products; false packing or grading of products; using deceptively slack filled or shaped containers or packages; selling merchandise packed in odd sized or odd shaped containers or packages simulating in size or shape, standard sizes or shapes of containers or packages; and certification of products by other than the producers are unfair trade-practices.

g. Deceptive selling methods.

A number of industries have adopted the following standard rule:

"The selling or offering for sale of any product or facility or service of the industry by any false means or device which has the tendency and capacity to mislead or deceive customers or prospective customers is an unfair trade-practice."

h. Defamation of competitors.

A standard form of rule adopted by a number of industries is as follows:

"The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations is unfair trade-practice."

i. False disparagement of competitors' goods.

A standard form of rule is:

"False disparagement of the grade or quality of competitors' goods with the tendency and capacity to mislead or deceive purchasers or prospective purchasers, and the tendency to injuriously affect the business of such competitors is an unfair trade-practice."

j. Deceptive promises of delivery.

Failure to deliver merchandise at the appointed time or promising delivery dates which could not be live up to; failure to ship products of Industry promptly as agreed are condemned by industry.

26. Shipping or Performing at Variance from Contract, Representation or Governmental Laws.

A complete text of a standard rule is quoted as a typical example:

> "The practice of shipping or delivering products which do not conform to the samples submitted or representations made, prior to securing the orders without the consent of the purchasers to such substitution, and with the effect of deceiving or misleading purchasers and the tendency to injuriously affect the business of competitors is unfair trade-practice."

Using inferior materials which tend to bring the products of industry into disrepute; substituting inferior grades of materials against a contract calling for a particular grade, without the permission of the purchaser and ultimate consumer; using or substituting materials inferior in quality to those specified by the purchaser; substituting another article inferior in quality for the kind ordered without notice to the buyer; and substituting products for other products ordered without permission, which may be dangerous to the public health are unfair trade-practices.

Use of materials or methods of installation, manufacture and erection not in accordance with Governmental Laws; and selling products which do not conform to the requirement of an Act of Congress are condemned.

27. Discrimination in Prices, Terms, Services and/or Privileges.

a. Discrimination in prices.

A standard rule adopted by a great number of industries reads as follows:

> "It is an unfair trade practice for any person engaged in inter-state commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce; provided that nothing herein contained shall prevent discrimination in price between purchasers of the same class on account of differences in the grade, quality or quantity of the commodity sold, or that makes only due allowance for differences in the cost of selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition; and provided further that nothing herein contained shall prevent persons engaged in selling the products of this industry in commerce from selecting their own customers in bona fide transactions and not in restraint of trade."

Some of the Rules specify Section 2 of the Clayton Act which reads as follows:

> "That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States, or any Territory thereof or the District of Columbia, or any insular possession, or other place under the jurisdiction of the United States, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce; PROVIDED, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition: AND PROVIDED FURTHER, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade."

b. Discrimination in services or privileges.

A standard rule for a great number ofindustries reads as follows:

> "Secretly extending to certain purchasers special services or privileges not extended to all purchasers under like terms and conditions with the intent and with the effect of injuring a competitor and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade is an unfair trade-practice."

Inducement to customer, secretly made, whether in the form of money, discount, credit or otherwise, not extanded to all purchasers under like terms and conditions; and extending to certain purchasers of special privileges including discriminatory allowances for service not extended to all purchasers are also considered unfair.

28. Customer Classification.

a. Definition of customer classes.

Some of the definitions are given here as an example:

Definition of a wholesale distributor.

"The Industry hereby records its approval of the definition of a qualified wholesale distributor to be one whose principal business is selling to the retail distributor."

Definition of a jobber.

"A jobber is a merchant who, as a middle-man, purchases goods in larger quantities for resale in smaller quantities, principally to retailers. The quantities bought by the jobber may vary from a fraction of a carload to many carloads; it being the character not of his buying, but of his selling, that marks him as a jobber."

Definition of a dealer.

"A dealer is defined as one who sells to the consumer or user of the merchandise."

29. Trade and Industry Classification.

a. Definition of trade and industry classes.

Some of the definitions are given here as follows:

Definition of a qualified wool stock merchant.

"The Industry hereby records its approval of the definition of a qualified . . . merchant to be one whose principal business is selling . . . to manufacturers and/or to dealers."

Definition of a qualified manufacturer.

"The Industry hereby records its approval of the definition of a qualified manufacturer of . . . to be one who manufactures regularly and solely for sale to consumers, wholesalers and distributors."

Definition of a mill, fabricator and erector.

"A mill is a manufacturer of structural materials for construction purposes. A fabricator is a concern who fabricates plain materials for construction purposes. An erector is a concern that generally contracts with buyers to furnish and erect structural steel fabricated by himself or others."

Definition of a contractor.

"The Industry records its approval of the definition of a . . . contractor to be one whose principal business is buying, fabricating and reselling . . . "

30. Quantity Discount.

a. Price differentials based on quantity discounts.

The practice of price differentials for quantity purchases is a recognized trade custom and helps to prevent temporary curtailing of production. Such price differentials are approved by Industry only in cases where such differentials are uniform to all purchasers of like quantity.

b. Price differentials based on combined shipments.

The practice of quantity prices based on combined shipments; the combining of two or more less than carload lots of the same or different products in one carload shipment; and selling products to separate purchasers as full carload or other group lots and allowing price differentials are condemned by industry.

31. Dealings with Agents, Brokers, or Other Controlled Sales Representatives.

a. Definition of agents, brokers or other controlled sales representatives.

The following is a definition of a broker:

> "Brokers are selling agents who negotiate the purchase or sale of . . . products. They have no interest in the products . . . they handle, do not collect accounts, are not responsible for the credit of their customers, and their compensation is a definite fee or commission."

b. Practice of Disregarding Commission or Fees to Agents, Brokers or other Controlled Sales Representatives.

The practice of disregarding the rights of an exclusive agent by giving his commission to those not entitled thereto is condemned by Industry.

c. Dealing with other than bona fide agents, brokers or other controlled sales representatives.

The practice of dealing with other than authorized distributors or agents is condemned by Industry.

32. Renting, Loaning or Leasing of Equipment or Property.

Classified under this heading are rules condemning the following practices:

Furnishing or lending to any producer, dealer or shipper any equipment, containers or other property for the purpose of influencing shipments of products; the leasing of service or filling stations or sites for same for an unreasonably small rent; payment of rentals to distributors or jobbers for the privilege of installing pumps, tanks, or other equipment; loaning standard advertising devices except trade marked; and payment of rentals for the privilege of installing equipment or for displaying advertising on premises where products are sold.

33. Bidding and Awarding.

The following standard rules are set forth as an example:

a. Adoption of "one-bid" policy.

The practice of "one-bid" policy is approved by industry.

b. Misleading or deceiving any bidder relative to competitors' bids.

"To mislead or deceive any bidder as to the amounts and conditions of other bids, or with any other false information for the purpose of inducing him to cut his own is condemned by Industry."

c. Fake, fictitious or "blind" bids.

The practice of making fake, fictitious or "blind" bids is condemned by industry.

d. Intentionally leaving out of materials from specifications.

"The practice of bidders or subbidders of intentionally leaving out of their bids certain material called for by the plans and specifications, or the failure to make any mention in their bids as to whether certain work is or is not to be erected for the particular price submitted, thereby enabling a bidder, after the bids have been opened, to state, if necessary to secure the bid, that the missing material or the cost of erection was or was not included in his bid, and in this way unfairly to underbid his competitor, is condemned by the Industry."

e. Lowering one's bids without changes in specifications.

"The practice of lowering one's bid without changes in the specifications justifying same and without regard to the possibility of being able to comply

with the specifications, frequently necessitates 'skinning the job', and the use of inferior materials, designs, and workmanship, and is condemned by the Industry."

f. Adoption of uniform rules for calling for bids.

"The industry favors the adoption of the following rules for calling for bids:

"(a) In all cases where competitive bids are requested no one should be invited to bid to whom the contract would not be willingly awarded in the case his bid is the most acceptable in itself.

"(b) Where accurate estimates are desired for information only, a reasonable fee or fees should be paid to the parties preparing them.

"(c) Plans and specifications should be sufficiently complete to enable competent bidders to estimate accurately the amount of material and labor required.

"(d) Invited bidders, provided they actually submit bids, should not be required to pay for the use of plans and specifications.

"(e) A reasonable time should be allowed for preparation of estimates."

g. Submitting sub-bids after the general contract has been awarded.

"The practice of submitting subbids after the general contract has been awarded, where subbids have been secured, particularly after the subbids on the same work have been opened and the subbidders know the amount of the lowest subbid on the original bidding, is a fertile field for fraud and chicanery, makes a farce out of the wholesome practice of competitive bidding, and is condemned by the industry."

h. Revision of bids after opening; handling of same as original bid.

"If plans and specifications are changed and new bids called for after the original bids have been submitted and opened the same fairness should be obtained as with the originalbids."

i. Bid-shopping practices.

"It is a frequent practice to submit bids to general contractors, who in turn use the lowest acceptable price from the several trades in making up their bids on a general contract. Many general contrac-

tors after securing the general contract then reopen the bidding for the same operation, commonly known as 'shopping' which practice involves deception and misrepresentation, lowering the standard and quality. Such practice is condemned by the industry."

j. Equalization of buyers' privileges of bidding with sellers' privileges of offering.

"It being for the best interests of producers and consumers that buyers be accorded the same privileges of bidding that sellers have of offering."

k. Submission of additional information or interpretation in regards to bids to all bidders simultaneously.

"Where a bidder requests an interpretation of some feature of the plans and/or specifications from the buyer or his representative before submitting his bid, which would materially affect the cost of the work, the same information should be submitted to all other bidders by the buyer or his representatives."

l. Collusion with awarding authority.

"The inducing or attempting to induce an architect, contractor, or builder to reveal to any bidder on a competitive job information relative to bids already received, which information would give the favored bidder an advantage in the preparation of his own bid, is condemned by the industry."

"To induce or attempt to induce an architect, contractor, or builder to reveal to a bidder the amounts and conditions of any bid received on a competitive job, with a view of giving the favored concern an opportunity to meet or cut below the lowest bid, whether the favored concern was one of the original bidders or not, is condemned by the industry."

m. Bidding or quoting on projects unable to carry out.

"The practice of some contractors of quoting on projects which they are not able to carry out is condemned by industry."

34. Mechanisms Accepted by the Federal Trade Commission.

The following rules may serve as an illustration:

a. Practice of handling disputes in a fair and reasonable manner.

"The industry approves the practice of handling disputes in a fair and reasonable manner coupled with a spirit of moderation and good will and every effort should be made by the disputants themselves to arrive at an agreement."

b. Formal arbitration as means of settlement of disputes.

"If unable to do so (as outlined in the rule above), they should agree, if possible, upon an arbitration under some of the prevailing Codes."

The rules of the Flexible Cord and Heater Cord Industries recommend that the matter should be referred to the Conciliation Committee of the National Electrical Manufacturers Association.

In Wood-Turning, Hickory Handle Branch Industry, either party may call the Chief Inspector of the National Association of Wood-Turners whose decision shall be final.

c. Creation of trade-practice committees.

The creation of trade-practice committees to cooperate with the Federal Trade Commission in order to put into effect the rules and regulations adopted by the Trade-Practice Conferences is approved.

d. Distribution of information in regard to credit accounts, past due, delinquent and slow.

"The Industry records its approval of distributing to its members information covering delinquent and slow accounts insofar as this may be lawfully done."

e. Compilation and distribution of statistics in regard to production, distribution and marketing.

Gathering and disseminating complete statistical information concerning past transactions with reference to production, distribution, marketing of products, cost and price in actual sales are approved by industry.

f. Endorsement and observance of approved trade-practice rules.

The observance of Trade-Practice Conference Rules is approved by industry.

g. Condemnation of trade abuses and unfair methods of competition.

Unfair methods of competition, fraudulent practices in commerce, wasteful practices and trade abuses are condemned by industry.

h. Aiding or abetting of the use of unfair trade-practice rules.

"For any person, firm or corporation, knowingly

to aid or abet another in the use of unfair trade-practices, is an unfair trade-practice."

i. Deviation from established standards of industry.

Deviation from established standards of industry is condemned.

j. Sale of products on the basis of quality and intrinsic value.

Industry encourages the sale of products on the basis of quality and intrinsic value.

k. Recommendation of consumers' protection.

The Barre Granite Industry has adopted the following rule:

"All members of this Industry shall protect the consumer not only as far as is required by law but as required by good morals and best ethics of business."

l. Extension of credit to dealers engaging in unfair methods of competition.

The Household Furniture Industry has adopted the following rule:

"The Industry condemns extending credit to dealers engaging in unfair methods of competition."

APPENDIX A.

ORDER CREATING A DIVISION OF
TRADE PRACTICE CONFERENCES

Order Creating a Division of Trade Practice Conferences
April 13, 1926.

ORDERED, That there be, and hereby is, created a division to be called the division of trade practice conferences, the head of this division to be called the director of trade practice conferences. There shall also be an assistant head called the assistant director, who shall assist in the performance of the duties of the director, and who, in the absence of the director, shall function as acting director. He shall have such other assistance as may be assigned him by the commission.

The work of this division and the duties of the director shall be such as hereinafter are set forth and as may be involved in the following modification of the procedure regarding trade practice submittals or conferences:

1. Whenever the commission shall conclude that a trade practice submittal or conference is desirable, or whenever an application for a trade practice submittal or conference shall come to the commission, the same shall be referred to this division. Further, whenever it shall come to the attention of the chief counsel, the board of review, the chief examiner, or the chief trial examiner that a trade practice, deemed to be unfair to competitors and/or prejudicial to the public is prevalent in an industry, report of such fact shall be made forthwith to the commission and be referred to this division.

2. Upon such reference the director shall make an investigation for the purpose of ascertaining the extent of the practice in the industry and make a report direct to the commission together with a recommendation as to the advisability of holding a conference or submittal.

3. Upon receipt of such report from the director, the commission shall determine whether a trade practice conference (or submittal) shall be held and when a conference is to be held, shall order the director to arrange therefor.

4. Thereupon the director shall call such conference at a time and place to be determined upon by him, shall give notice thereof to members of the industry, and shall preside over and conduct such conference unless a commissioner shall be designated to so preside.

5. The director shall make a report to the commission of the action taken at any such conference with his recommendation for action of the commission thereof.

6. In addition, the director shall communicate or confer with as many members of the industry as possible who were not represented at or who did not participate in such conference and endeavor to procure their assent to, and compliance with, the action taken by the conference and approved by the commission.

7. The director shall, so far as practicable, keep informed as to

how the action taken at the conference and approved by the commission is being conformed to by the members of the industry. He shall promptly investigate and report directly to the commission any violation thereof, irrespective of whether the person violating the rules had subscribed thereto. The report of the director showing such violation shall be the basis upon which the commission may issue its complaint.

8. The chief counsel, the board of review, the chief examiner, the docket section, and the secretary to the commission shall, as promptly as practicable, convey to the commission all information they may now have of the character covered by paragraph 1 hereof, to the end that all applications for a trade practice conference (or submittal) now pending and all such information as to matters pending before the commission may be referred to this division for the procedure hereinabove outlined.

9. When the commission shall have determined its action in the matter of the conference or submittal, the secretary shall notify the industry of the commision's action, and also give the action taken the widest publicity.

10. The secretary shall cause to be established and maintained in the docket section such records and files as may be necessary in connection with this resolution.

11. At the conclusion of each such conference the heads of the several divisions shall report to the commission the application of such conference to any matter in their charge together with a recommendation.(*)

(*) Annual Report, Federal Trade Commission. Fiscal year ended June 30, 1926. pp. 48-49.

APPENDIX B.

EXECUTIVE ORDER

DELEGATION OF AUTHORITY TO THE FEDERAL TRADE COMMISSION TO APPROVE CERTAIN TRADE PRACTICE PROVISIONS

EXECUTIVE ORDER

Delegation of Authority to the Federal Trade Commission
to Approve Certain Trade Practice Provisions

By virtue of and pursuant to the authority vested in me by section 2 (a) and section 2 (b) of title I of the National Industrial Recovery Act (48 Stat. 195), certain provisions of which title were extended until April 1, 1936, by the joint resolution of June 14, 1935 (Public Resolution No. 26, 74th Cong.), I hereby delegate to the Federal Trade Commission all authority vested in me by said act and resolution to approve such trade practice provisions as are permitted by clause numbered 2 of the proviso of section 2 of said joint resolution and submitted in voluntary agreements pursuant to section 4 (a) of said title of said act: PROVIDED, That such approval shall not be given by the Federal Trade Commission unless such agreements contain labor provisions putting into effect the requirements of section 7 (a) of the said National Industrial Recovery Act and after such labor provisions have received my approval.

Franklin D. Roosevelt.

THE WHITE HOUSE
September 26, 1935. (*)

(*) Annual Report, Federal Trade Commission. Fiscal Year Ended June 30, 1935. p. 8, Executive Order #7192.

APPENDIX C.

LIST OF TRADE-PRACTICE CONFERENCES

	LIST OF INDUSTRIES	GROUPS
1.	All-cotton wash goods	10
*2.	Anti-hog-cholera serum and virus	5
3.	Baby and doll-carriage Industry	13
4.	Baby Chick Industry	9
*5.	Band Instrument Manufacturers	13
6.	Bank and Commercial Stationers	14
7.	Barn Equipment Industry	8
8.	Barre Granite Industry	2
9.	Beauty Barber Supply Dealers	20
10.	Bituminous Coal Operators of S. W. (Missouri, Kansas)	3
11.	Bituminous Coal Industry (Utah)	3
*12.	Books (Subscription book publishers)	14
13.	Butter, eggs, cheese, poultry industries (Pacific Coast)	9
*14.	Butter Manufacturers (Southwest)	9
15.	Carbon Industry (Electrical)	8
*16.	"Castile" soaps	5
17.	Cedar Chest Industry	13
18.	Cheese Industry, Assembling Branch	9
19.	China Recess Accessories Industry	2
20.	Cleaning & Dyeing Industry (Pennsylvania & Adjoining Territory)	19
21.	Clothing Cotton Converters	10
22.	Commercial Cold Storage Industry	19
23.	Common Brick Industry	2
24.	Common or Toilet Pin Industry	13
25.	Concrete Mixer and Paver Industry	8
26.	Correspondence Schools	19
27.	Cottonseed Oil Mills Industry	9
*28.	Creamery Industry	9
29.	Crushed Stone Industry	2
30.	Cut-Stone Industry	2
31.	Cut Tack, Cut Nail & Staple Industry	13
32.	Direct Selling Companies	21
33.	Dry-Cleaning & Dyeing Service (District of Columbia & Vicinity)	19
34.	Edible Oils Industry	9
35.	Educational Jewelry Industry (Manufacturers of School, College Jewelry)	13
36.	Electrical Wholesalers	20
37.	Electrical Contracting Industry	15
38.	Embroidery Industry	11
*39.	Engraved Effects Printing	14
40.	Fabricators of Ornamental Iron, Bronze Wire	13
41.	Fabricators of Structural Steel	13
42.	Face-Brick Industry	2

(*) Trade Practice Submittal

LIST OF INDUSTRIES (CONT'D) GROUPS

43.	Feather and Down Industry	10
44.	Feldspar Industry	2
45.	Fertilizer Industry	5
46.	Field and Grass Seed Industry	9
47.	Flat Glass Industry	2
48.	Flexible Cord, Heater Cord Industry	8
49.	Floor and Wall Clay Tile Industry	2
50.	Fur Industry	12
51.	Furnace Pipe and Fittings Industry	8
*52.	Gold-mounted Knives, Manufacturers	13
**53.	Gold Plated Finger Rings, Manufacturers	13
54.	Golf Ball Industry	13
55.	Golf, Baseball & Athletic Goods Industry	13
56.	Greeting Card Industry	14
57.	Grocery Industry	20
58.	Gypsum Industry	2
59.	Heavy Sheet Glass Industry	2
60.	Household Furniture, Furnishing	13
61.	Ice-Cream Industry (District of Columbia and Vicinity)	9
62.	Ingot Brass & Bronze Industry	8
63.	Insecticide & Disinfectant Industry	5
64.	Interior Marble Industry	2
65.	Jewelry Industry	13
*66.	Knit Goods Manufacturers	11
67.	Knit Underwear Industry	11
68.	Knitted Outerwear Industry	11
69.	Kraft Paper Industry	6
70.	Leatherboard Industry	6
71.	Lightning Rod Industry	13
72.	Lime Industry	2
73.	Live Poultry Industry (New York and Vicinity)	9
74.	Manufactured Electrical Mica Industry	2
75.	Marking Devices Industry	13
76.	Medical Gas Industry	10
*77.	Mending Cotton Manufacturers	10
78.	Metal Burial Vault Industry	13
79.	Metal Lath Industry	13
80.	Milk and Ice Cream Can Industry	13
81.	Milk Producing and Distributing Industry(Michigan and Vicinity)	9
82.	Millwork Industry	4
83.	Molded Product Industry (Electrical)	2

* Trade Practice Submittal
** More of a nature of a Stipulation than Trade Practice Submittal

	LIST OF INDUSTRIES (CONT'D)	GROUPS
84.	Mopstick Industry	4
85.	Motion Picture Industry	18
86.	Multi-color Printers of Transparent or Translucent Materials	14
87.	Musical Merchandise Industry	13
88.	Naval Stores Industry (Steam Solvent Class)	5
89.	Oil Industry	3
90.	Outlet Box & Conduit Fittings	8
*91.	Package Macaroni Industry	9
92.	Paint, Varnish and Lacquer, and Allied Industries	5
**93.	Paper Industry	6
94.	Paper Bag Industry	6
95.	Paper Board Industries	6
96.	Paper Bottle Cap Industry	6
97.	Petroleum & Petroleum Products	3
98.	Petroleum Industry (Virginia State)	3
99.	Plumbing and Heating Industry	15
100.	Plywood Industry	4
101.	Public Seating Industry	19
102.	Publishers of Periodicals	14
*103.	Pyroxilin Plastics Industry	5
104.	Rabbit and Cavy Breeders' Industry	9
105.	Range Boiler Industry	8
*106.	"Rayon" Artificial Silk	10
107.	Rebuilt Typewriter Industry	21
108.	Reinforcing Steel Fabricating & Distributing Industry	15
*109.	Retail Furniture Dealers, New York City	21
110.	Roll and Machine Ticket Industry	14
111.	Sanitary Napkin Industry	6
112.	Saw and Blade Service Industry	19
113.	School Supply Distributors	20
114.	Scrap Iron & Steel Industry	1
*115.	Sheffield Silver-Plated Hollow Ware	13
116.	Shirting Fabrics Industry	10
117.	Silk Weighting	10
118.	Sled Industry	13
119.	Solid Section Steel Window Industry	13
120.	Solvents Industry	5
121.	Southern Hardware Jobbers	20
122.	Southern Mixed Feed Manufacturers	9
123.	Spice Grinders and Packers	9
*124.	Standard Music Sheet Publishers	14
125.	Steel Office Furniture	13
126.	Structural Clay Tile Industry	2

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126.	Structural Clay Tile Industry	2

* Trade Practice Submittal

** More of a nature of a Stipulation than Trade Practice Submittal

LIST OF INDUSTRIES (CONT'D) GROUPS

127.	Trunk, Luggage and Brief Case Industry.....	12
128.	Uniform Manufacturers Industry.....	11
129.	Upholstery Textile Industry.....	10
130.	Veneer Fruit & Vegetable Package Industry.....	4
131.	Vulcanized Fibre Industry.....	5
132.	Wall Paper Industry.....	6
133.	Walnut Wood Industry.....	4
134.	Warm Air Furnace Industry.....	8
135.	Waste Paper Dealers and Packers.....	20
136.	Watch Case Industry, Gold Filled.....	13
137.	Waxed Paper Industry.....	6
138.	Wholesale Drug Industry.....	20
139.	Wood Turning Industry (Hickory Handle Branch).....	4
140.	Woodworking Machinery.....	8
141.	Wool Stock Industry.....	13
142.	Woolens and Trimmings Industry.....	10
143.	Woven Furniture Industry.....	13

APPENDIX D.

LIST

OF

TRADE PRACTICE CONFERENCE RULES ADOPTED OR ACCEPTED

BY THE

FEDERAL TRADE COMMISSION

List of Trade Practice Conference Rules Adopted or Accepted by the Federal Trade Commission

1. Accommodations, Misrepresentation of
2. Accounts, Collection of, simulating legal documents
3. Advertising (printed word, pictorial representation, radio) or other statement, "blind", deceptive, fraudulent, inaccurate, misleading, untrue, deceiving
4. Advertising Devices, Standard, Loaning of
5. Advertising, Proper designations
6. Advertising, Use of superlatives or other exaggerated descriptions
7. Advertisers, Responsibility to consumers for sales persons
8. Advertisers, Responsibility to consumers for advertising material
9. Advertisers, Responsibility to consumers for alterations or change of printed forms or terms
10. Advertisers, Responsibility to consumers for money advanced to sales persons
11. Affiliations, Relationship, Misrepresentation of
12. Agents, Exclusive, Disregarding right of said
13. Agreements, Violation of by buyer or seller
14. Arbitration, as means of settlement of dispute
15. Bid, One-,Policy
16. Bids, Competitor's, Misleading or deceiving any bidder relative to
17. Bids, Competitor's, Surreptitiously obtaining information
18. Bids, Competitor's, Revealing to any bidder
19. Bids, fake, fictitious, "blind"
20. Bids, Inducing contractee to apply product identification unknown to competitiors.

21. Bids, Intentionally leaving out materials from specifications

22. Bids, Lowering one's, without changes in specifications

23. Bids, Adoption of Rules for calling for

24. Bids, Sub-, Submitting of, after the general contract has been awarded

25. Bids, Revision of after opening, Handling same as original bid

26. "Bid-Shopping" Practices

27. Bidding on Contracts, Irregular

28. Bidding, Adoption of a General Policy in re to

29. Bidding privileges of Buyer, Equalization with seller's privilege of offerings

30. Bidding or Quoting, on projects unable to carry out

31. Bidding, Under-, by offering inferior products

32. Bidders, submission of additional information or interpretation in re to bids to all bidders simultaneously

33. Bidder, collusion with architect, builder, owner, retailer, contractor

34. Bills of lading, or other documents of title, Use of fictitious

35. Billings split

36. Benefits, earnings, actual or probable; Overstatement or misrepresentation of

37. Branding, marketing, labeling; Approved method of

38. Bribery, Commercial

39. Buying or selling power, Abuse of

40. Buying or selling products according to grade and rules relating to exchanges

41. Cars, pooled or combination

42. Charges, additional, collection upon delivery

43. Certification of products by other than manufacturers

44. Certification of products, False

45. Claims, false, Submission to a supplier

46. Coercing buyers, sellers, dealers, jobbers, etc.

47. Coercing purchase of product other than requested by customer

48. Commission and compensation, Granting of to others than regular dealer or salesman of Industry

49. Commissions for exclusive agents, Practice of disregarding the rights of said

50. Commissions, extra or bonuses, unconditionally paid

51. Competitors, Defamation of

52. Competitors, Espionage of

53. Competitor's goods (weight, substance, strength, grade, quality, services), False disparagement of

54. Competitor's, Wilful enticement of employees, with injurious effect

55. Competitor's equipment, Unauthorized use of

56. Competitor's identified container, Retention or use of

57. Competitor's labor troubles, Inciting, aiding, abetting

58. Competitor's personnel under contract, Employing of, solicitation of services of, without informing competitor

59. Competitor's plates, cuts, etc. Use of

60. Competitor's price, Misrepresentation of

61. Competitor's product, Appropriation and use of, Substitution of

62. Competitor's right to choose suppliers, Interference with

63. Competitor's Securing information from, by false or unlawful means

64. Competitor's, Simulation of style of store front and signs

65. Concealing of available supplies and actual demands

66. Consignment, Shipment on, Offering of, Abuse or misuse of

67. Consumers' protection, Recommendation of

68. Containers, Furnishing of, to influence shipment

69. Containers, Standard, Packing in

70. Containers, Equipment, Competitor's, Use without owners' consent

71. Contract: antedating, predating, postdating

72. Contract, Blanket

73. Contracts, as business obligations to be performed in letter and spirit

74. Contract, False

75. Contract, Confirmed order, Inducing breach of

76. Contract, Confirmed order, Interference with

77. Contracts or Agreements, "Money Back" guarantees

78. Contracts signed, Neglecting to return

79. Contract, Standard form, Adoption of

80. Contract obligations of buyer and seller, Unequal

81. Contract, omitting specifications

82. Contract, sales and proposal, Uniform

83. Contracts at specified prices for unspecified quantity

84. Contracts or Orders, Repudiation of, Cancellation, except for legal cause

85. Coupon books, Redeeming of at face value, without any discount.

86. Cost finding and estimating methods, accurate, standard, uniform proper grouping, Installing of

87. Cost of reconditioning, distribution and overhead expenses, Ignoring of

88. Cost of transportation, Ignoring of

89. Credit allowance, Secret, for promotion

90. Credit accounts, past due, delinquent and slow, Distributing information in regard to

91. Credit, Extension of to borrower or lessee of equipment

92. Credit, Extension of to dealers engaging in unfair methods of competition

93. Deals, Free

94. Definitions of Industry Products, Trade names

95. Definitions, methods of designation of Manufacturer, Dealer, Broker, Jobber, Distributor, Producer, Merchant

96. Definitions of private and Government institutions, professional positions

97. Delivery delays, unwarranted, entitling to refund

98. Deliveries, Bulk at plant

99. Delivery of products at wholesale plants into purchasers' wagons or trucks

100. Deposit on samples or sales outfits, Prompt return of

101. Discounts, Cash, Violation of agreement by buyer and seller

102. Discounts, Cash, to purchasers not entitled thereto

103. Discounts, Favoritism in granting

104. Discounts, on less than quantity order or shipment

105. Discounts or terms of sale, allowances; Discrimination of

106. Discrimination against manufacturer

107. Disputes, Practice of handling in a fair and reasonable manner.

108. Dumping in remote markets

109. Employees, Housing or boarding of on manufacturer's premises

110. Employees, Enticement of

111. Employment of personnel, for secret influencing of sale

112. Employment, Promise or guarantee misleading

113. Employment, Service, Representation of in a misleading manner

114. Equipment, Buying or renting for more than actual value

115. Equipment, Construction of, Painting, Improvement to existing facilities, for Retailers.

116. Equipment, Identification of owner or lessor

117. Equipment, Storage, loaning, leasing, furnishing of at full cost

118. Equipment, purchasing or renting from buyer

119. Exchange membership classification, Fair and equitable rules for

120. Facilities, offices, buildings, trade status, character of business, Misrepresentation of

121. Facility or service of the Industry, Representation by false means or devices.

122. Failure to accept delivery of orders

123. Failure of dealers to give credit for overweight

124. Failure to deduct transportation for product purchased on delivered basis

125. Failure to deliver merchandise at appointed time

126. Failure to fill orders or perform contracts

127. Failure to pay full price for products purchased

128. Failure to pay published packing charges and freight

129. Falsifying books or accounts when operating under receivership

130. Form of business, Misrepresentation

131. Freight rates, Absorption by seller

132. Games of chance, Prohibition of using, in connection with sales

133. Gifts, gratuities to purchasers, sellers, Enterteinment, with the effect to influence a sale

134. Grade, Practice of buying and selling by

135. Grading, Variations, Reasonable

136. Guarantee, Compliance with government laws

137. Guarantee of performance, material, workmanship; Policy in re to Definite provision for replacement of defective parts

138. Guarantees, Warranties, Product: false, misleading, indefinite

139. Guarantee, Uniform form of

140. Hazards to life, as a result of imperfect branding or marking.

141. Health authorities, Cooperation with endorsed

142. Identification symbols, standard grade, plant; Lack of proper

143. Identification of packer, distributor, manufacturer

144. Identification of products: false, inaccurate

145. Identification of products, Proper

146. Identification symbols, Concealment, or removal of

147. Industry defamation

148. Industry members, Exclusion of, or discrimination

149. Invoicing false, wholly or in part

150. Invoicing, proper, detailed

151. Invoices, sending after merchandise is shipped

152. Invoices, sending before merchandise is shipped

153. Improvements on Resellers Premises

154. Insurance protection of goods while in care or custody

155. Leasing, Loaning, or furnishing of equipment to dealers

156. Leasing of property to dealers at rental based on fair value of property.

157. Labeling, identifying, marking, branding, stamping according to accepted standards of industry

158. Marking, branding, grading, labeling of products: False, deceptive (Misgrading, Misbranding)

159. Material, Use of inferior, tending to bring product in disrepute

160. Numbers denoting styles of goods, Deceptive practice in re to

161. Offers, limited, as to time or otherwise, special, free, Misleading, deceptive

162. Offers, omitting terms of sale

163. Opportunities, demands, in any vocation or field; Overstatement of, Misrepresentation of

164. Orders, Proper handling of

165. Overbilling of shipments, Wilfull

166. Packing, grading; False, deceptive, Misrepresentation

167. Packing, grading; Proper

168. Painting over signs of another company

169. Patent or Trade Mark infringement, Dealing directly with original infringers only

170. Payment, Prompt

171. Piracy of design, style or pattern

172. Price advance or decline, Guarantee against

173. Price changes, Publication of

174. Price differentials, Extension to parties not entitled thereto

175. Price differentials, Reasonable and uniform to all purchasers of like quantity

176. Price discrimination when the effect is to create monopoly or lessen competition

177. Prices, individual freedom in establishing

178. Prices, open

179. Prices, conspicuous posting of by distributors, jobbers, wholesalers, retailers, at point of delivery

180. Prices posted, Deviation from

181. Price lists, Independent publication and circularization of

182. Prices, special quantity policy in re to

183. Pricing as a matter of individual judgment

184. Price, paying less after receiving shipment

185. Prices, terms of sale, published; Adherence to

186. Price reductions, in case of delayed deliveries

187. Prices, quotations: Marked up, fictitious, inflated, deflated, misleading, deceptive

188. Premiums, prizes, bonuses, gifts, special discounts, lotteries in connection with sales.

189. Product grades established by government, Failure to observe

190. Product description, Proper

191. Product, Misrepresentation, Misdescription; Sale of

192. Products, unbranded, inaccurately described, unstamped, ungraded; Sale or shipment of

193. Promises inconsistent with advertisements

194. Quantity, quality, material, substance, size, weight, measure origin, style, strength, capacity. Misrepresentation or misstatement, misdescription of

195. Quotations subject to discount or additional charges

196. Rates, charges, terms and conditions of sale, prices (notices of advance or decline); Open statement of

197. Rebates, refunds, other concessions; secret payment or discriminatory allowance of

198. "Rebuilt" or "Overhauled" machines, Performance of

199. Receipt, false, incomplete, wholly or in part

200. Reductions offered from fictitious prices

201. Regulations for territories with no governmental regulations

202. Rental to buyers, Payment of, for special privileges

203. Rentals to buyers, Equipment and Advertising

204. Restrictions of bidding, offering, sales, membership, etc.

205. Retroactive settlements and adjustments

206. Returning merchandise, Unwarranted

207. Safety standards

208. Salesmenship, dishonest, inducing or attempting to induce

209. Sales or offers, Deceptive

210. Sales, contingent upon certain conditions

211. Sales, Inducing, by other products

212. Sales, without mutuality

213. Sales without profit

214. Sales without specifications

215. Selling of altered or repaired goods without disclosing facts

216. Selling goods or services below cost for purpose of injuring competitors

217. Selling of goods in violation of F.T.C. rules

218. Selling of less than carload at full carload or group lot prices

219. Selling methods, Customary departure from

220. Selling prices, Misleading, uneconomic

221. Selling or offering for sale at price reduced from marked-up or fictitious

222. Selling of prison made goods, unless purchaser informed

223. Selling of products on basis of quality and intrinsic value

224. Selling products or services by false means or devices

225. Selling products unfit for human consumption

226. Selling of products from wagons or trucks to other motor vehicles

227. Selling or offering for sale at reduced prices, of nationally advertised articles

228. Selling of regular lines as "close outs"

229. Selling, or advertising for sale at greatly reduced prices with inadequate supply

230. Selling under inaccurate or untruthful claims

231. Samples free, or made especially to specification of prospective customer

232. Samples or Specifications, Submitting inadequate

233. Sample deposit, Refund of

234. Securing of positions for prospective customers, Misrepresentation of

235. Settlements costly, Cooperation in preventing of

236. Services or privileges, Special secret extension of

237. Service alleged to be rendered; Misrepresentation of character, condition and scope

238. Services or privileges to customers, Special

239. Services discriminatory, Influencing of

240. Services, Free, Granting of to customers

241. Services, Inaccurate, Unwarranted claim of

242. Services, Refusal of fulfillment except for additional charge

243. Second-hand materials, Selling as new

244. Shipment of products to any but authorized distributors

245. Shipping or delivering of products not conforming to samples submitted or representation made

246. Shipping practices and regulations

247. Shipment, transit, without order from customer

248. Snipping drop-shipment business from wholesaler

249. Subsidizing or financing buyers, salesmen, professional or prominent users of products

250. Substitution or use of materials inferior in quality than specified, contracted for, or required by Government Laws.

251. Substitution of another product than ordered

252. Substitution of materials, methods of manufacture and erection non-conforming with Governmental Laws

253. Substitution of product, brand, grade-designated for appropriate equipment

254. Substitution of products of lower quality through unlabeled goods

255. Stored products, Delivery of without warehouse receipt

256. Standing, responsibility, character of establishment, Misrepresentation of

257. Standards of Industry, Established; Deviation from

258. Standard methods of classifying, grading, measuring

259. Standards of quality, quantity, grade, size, performance, weight, construction, test, packing

260. Standards, Simulation of

261. Standardization and Simplification, Adoption of

262. Statistics, Compilation and Distribution in re to production, distribution and marketing

263. Stock defective, Replacement of

264. Testimonials in advertising or sale; False, misleading, exaggerated

265. Testing, test reporting, False

266. Terms of Sale, Definite, Part of price lists

267. Time guarantee, Definite restriction of

268. Time limit offers, Misleading

269. Title, statement, picture; Misuse of, Misrepresentation of

270. Threats of suits unjustified, for patent or trade mark infringement

271. Tolerances, allowances, greater than agreed

272. Trade abuses and wasteful practices

273. Trade-in allowances, Excessive

274. Trade ethics, Recommendation of

275. Trade-marks, trade-name, mark of identification, etc.; Limitation of, Misuse of, Simulation of

276. Trade-mark, Proper place of recommended

277. Trade-Practices Committee, Creation of

278. Trade-practice approved rules, Endorsement and observance of

279. Trade-practice rules, Violation or infraction of

280. Trade-practices, Unfair, Affecting public interest

281. Trade-practices, Unfair; Aiding or abetting the use of

282. Trade-practices, Unfair, Investigation or inspection of

283. Trial period

284. Transportation, trucking charges, Excessive allowance for

285. Transportation, trucking charges, Failure to collect by seller

286. Transportation, trucking charges, Uniform

287. Trucking free, beyond city limits; Granting of

288. Warehousing Free

289. Warehouse receipts, Issuance of deceptive, false, misleading, fraudulent

290. Warehouse receipts, Issuance of without receiving products

291. Words or terms in describing or representing products; False, improper use of

APPENDIX E.

LIST OF INDUSTRY GROUPS

List of Industry Groups - Classification Same as for NRA Codes.

1. Metals - Ferrous and Non-Ferrous
2. Non-Metallic Minerals
3. Fuel
4. Forest Products
5. Chemicals, Drugs, Paints
6. Paper
7. Rubber
8. Equipment and Machinery
9. Food
10. Textiles - Fabrics
11. Textiles - Apparel
12. Leather and Furs
13. Fabricating
14. Graphic Arts
15. Construction
16. Transportation and Communication
17. Finance
18. Recreation
19. Service Trades
20. Distributing Trades: Wholesale
21. Distributing Trades: Retail

List of Industries by Groups.

Group 1. Metals - Ferrous and Non-Ferrous

114. Scrap Iron & Steel Industry

Group 2. Non-Metallic Minerals

8. Barr Granite Industry
19. China Recess Accessories Industry
23. Common Brick Industry
29. Crushed Stone Industry
30. Cut-Stone Industry
42. Face-Brick Industry
44. Feldspar Industry
47. Flat Glass Industry
49. Floor and Wall Clay Tile Industry
58. Gypsum Industry
59. Heavy Sheet Glass Industry
64. Interior Marble Industry
72. Lime Industry
74. Manufactured Electrical Mica Industry
83. Molded Products Industry (Electrical)
126. Structural Clay Tile Industry

Group 3. Fuel

10. Bituminous Coal Operators of S. W. (Missouri, Kansas)
11. Bituminous Coal Industry (Utah)
89. Oil Industry
97. Petroleum and Petroleum Products
98. Petroleum Industry (Virginia State)

Group 4. Forest Products

82. Millwork Industry
84. Lipstick Industry
100. Plywood Industry
130. Veneer Fruit & Vegetable Package Industry
133. Walnut Wood Industry
139. Wood Turning Industry (Hickory Handle Branch)

Group 5. Chemicals, Drugs, Paints.

1. Anti-hog-cholera serum and virus
16. "Castile" Soaps
45. Fertilizer Industry
63. Insecticide & Disinfectant Industry
88. Naval Stores Industry (Steam Solvent Class)
92. Paint, Varnish and Lacquer, and Allied Industries
103. Pyroxilin Plastics Industry
120. Solvents Industry
131. Vulcanized Fibre Industry

Group 6. Paper

69. Kraft Paper Industry
70. Leatherboard Industry
93. Paper Industry
94. Paper Bag Industry
95. Paper Board Industries
96. Paper Bottle Cap Industry
111. Sanitary Napkin Industry
132. Wall Paper Industry
137. Waxed Paper Industry

Group 7. Rubber - None

Group 8. Equipment and Machinery

7. Barn Equipment Industry
15. Carbon Industry (Electrical)
25. Concrete Mixer and Paver Industry
48. Flexible Cord, Heater Cord Industry (Electrical)
51. Furnace Pipe and Fittings Industry
62. Ingot Brass and Bronze Industry
90. Outlet Box and Conduit Fittings
105. Range Boiler Industry
134. Warm Air Furnace Industry
140. Woodworking Machinery Industry

Group 9. Food

4. Baby Chick Industry
13. Butter, eggs, cheese, poultry industries (Pacific Coast)
14. Butter Manufacturers (Southwest)
18. Cheese Industry (Assembling Branch)
27. Cottonseed Oil Mills Industry
28. Creamery Industry
34. Edible Oils Industry
46. Field and Grass Seed Industry
61. Ice Cream Industry (District of Columbia & Vicinity)
73. Live Poultry Industry (New York & Vicinity)
81. Milk Producing & Distributing Industry (Michigan & Vicinity)
91. Package Macaroni Industry
104. Rabbit and Caby Breeders' Industry
122. Southern Mixed Feed Manufacturers
123. Spice Grinders and Packers

Group 10. Textiles - Fabrics

2. All-cotton Wash Goods
21. Clothing Cotton Converters
43. Feather and Down Industry
76. Medical Gas Industry
77. Mending Cotton Manufacturers
106. "Rayon" Artificial Silk
116. Shirting Fabrics Industry

Group 10. Textiles - Fabrics (Cont'd)

117. Silk Weighting
129. Upholstery Textile Industry
142. Woolens and Trimmings Industry

Group 11. Textiles - Apparel

38. Embroidery Industry
66. Knit Goods Manufacturers
67. Knit Underwear Industry
68. Knitted Outerwear Industry
128. Uniform Manufacturers Industry

Group 12. Leather and Furs

50. Fur Industry
127. Trunk, Luggage and Brief Case Industry

Group 13. Fabricating

3. Baby and Doll-Carriage Industry
5. Band Instrument Manufacturers
17. Cedar Chest Industry
24. Common or Toilet Pin Industry
31. Cut Tack, Cut Nail & Staple Industry
35. Educational Jewelry Industry (Manufacturers of School, College Jewelry)
40. Fabricators of Ornamental Iron, Bronze Wire
41. Fabricators of Structural Steel
52. Gold-mounted Knives, Manufacturers
53. Gold Plated Finger Rings, Manufacturers
54. Golf Ball Industry
55. Golf, Baseball & Athletic Goods Industry
60. Household Furniture, Furnishing
65. Jewelry Industry
71. Lightning Rod Industry
75. Marking Devices Industry
78. Metal Burial Vault Industry
79. Metal Lath Industry
80. Milk and Ice Cream Can Industry
87. Musical Merchandise Industry
115. Sheffield Silver-Plated Hollow Ware
118. Sled Industry
119. Solid Section Steel Window Industry
125. Steel Office Furniture
136. Watch Case Industry, Gold Filled
141. Wool Stock Industry
143. Woven Furniture Industry

Group 14. Graphic Arts

6. Bank and Commercial Stationers
12. Books (Subscription Book Publishers)
39. Engraved Effects Printing
56. Greeting Card Industry
86. Multi-color Printers of Transparent or Translucent Materials
102. Publishers of Periodicals
110. Roll and Machine Ticket Industry
124. Standard Music Sheet Publishers

Group 15. Construction

37. Electrical Contracting Industry
99. Plumbing and Heating Industry
108. Reinforcing Steel Fabricating & Distributing Industry

Group 16. Transportation and Communication - None

Group 17. Finance - None

Group 18. Recreation

85. Motion Picture Industry

Group 19. Service Trades

20. Cleaning & Dyeing Industry (Pennsylvania & Adjoining Territory)
22. Commercial Cold Storage Industry
26. Correspondence Schools
35. Dry-Cleaning & Dyeing Service (District of Columbia & Vicinity)
101. Public Seating Industry
112. Saw and Blade Service Industry

Group 20. Distributing Trades: Wholesale

9. Beauty Barber Supply Dealers
36. Electrical Wholesalers
57. Grocery Industry
113. School Supply Distributors
121. Southern Hardware Jobbers
135. Waste Paper Dealers and Packers
138. Wholesale Drug Industry

Group 21. Distirbuting Trades: Retail

32. Direct Selling Companies
107. Rebuilt Typewriter Industry
109. Retail Furniture Dealers, New York City

OFFICE OF THE NATIONAL RECOVERY ADMINISTRATION
THE DIVISION OF REVIEW

THE WORK OF THE DIVISION OF REVIEW

Executive Order No. 7075, dated June 15, 1935, established the Division of Review of he National Recovery Administration. The pertinent part of the Executive Order reads thus:

> The Division of Review shall assemble, analyze, and report upon the statistical information and records of experience of the operations of the various trades and industries heretofore subject to codes of fair competition, shall study the effects of such codes upon trade, industrial and labor conditions in general, and other related matters, shall make available for the protection and promotion of the public interest an adequate review of the effects of the Administration of Title I of the National Industrial Recovery Act, and the principles and policies put into effect thereunder, and shall otherwise aid the President in carrying out his functions under the said Title.

The study sections set up in the Division of Review covered these areas: industry studies, foreign trade studies, labor studies, trade practice studies, statistical studies, legal studies, administration studies, miscellaneous studies, and the writing of code histories. The materials which were produced by these sections are indicated below.

Except for the Code Histories, all items mentioned below are scheduled to be in mimeographed form by April 1, 1936.

THE CODE HISTORIES

The Code Histories are documented accounts of the formation and administration of the codes. They contain the definition of the industry and the principal products thereof; the classes of members in the industry; the history of code formation including an account of the sponsoring organizations, the conferences, negotiations and hearings which were held, and the activities in connection with obtaining approval of the code; the history of the administration of the code, covering the organization and operation of the code authority, the difficulties encountered in administration, the extent of compliance or non-compliance, and the general success or lack of success of the code; and an analysis of the operation of code provisions dealing with wages, hours, trade practices, and other provisions. These and other matters are canvassed not only in terms of the materials to be found in the files, but also in terms of the experiences of the deputies and others concerned with code formation and administration.

The Code Histories, (including histories of certain NRA units or agencies) are not mimeographed. They are to be turned over to the Department of Commerce in typewritten form. All told, approximately eight hundred and fifty (850) histories will be completed. This number includes all of the approved codes and some of the unapproved codes. (In Work Materials No. 18, Contents of Code Histories, will be found the outline which governed the preparation of Code Histories.)

(In the case of all approved codes and also in the case of some codes not carried to final approval, there are in NRA files further materials on industries. Particularly worthy of mention are the Volumes I, II and III which constitute the material officially submitted to the President in support of the recommendation for approval of each code. These volumes

set forth the origination of the code, the sponsoring group, the evidence advanced to support the proposal, the report of the Division of Research and Planning on the industry, the recommendations of the various Advisory Boards, certain types of official correspondence, the transcript of the formal hearing, and other pertinent matter. There is also much official information relating to amendments, interpretations, exemptions, and other rulings. The materials mentioned in this paragraph were of course not a part of the work of the Division of Review.)

THE WORK MATERIALS SERIES

In the work of the Division of Review a considerable number of studies and compilations of data (other than those noted below in the Evidence Studies Series and the Statistical Materials Series) have been made. These are listed below, grouped according to the character of the material. (In Work Materials No. 17, Tentative Outlines and Summaries of Studies in Process, these materials are fully described).

Industry Studies

Automobile Industry, An Economic Survey of
Bituminous Coal Industry under Free Competition and Code Regulation, Economic Survey of
Construction Industry and NRA Construction Codes, the
Electrical Manufacturing Industry, The
Fertilizer Industry, The
Fishery Industry and the Fishery Codes
Fishermen and Fishing Craft, Earnings of
Foreign Trade under the National Industrial Recovery Act
  Part A - Competitive Position of the United States in International Trade 1927-29 through 1934.
  Part B - Section 3 (e) of NIRA and its administration.
  Part C - Imports and Importing under NRA Codes.
  Part D - Exports and Exporting under NRA Codes.
Forest Products Industries, Foreign Trade Study of the
Iron and Steel Industry, The
Knitting Industries, The
Leather and Shoe Industries, The
Lumber and Timber Products Industry, Economic Problems of the
Men's Clothing Industry, The
Millinery Industry, The
Motion Picture Industry, The
Migration of Industry, The: The Shift of Twenty-Five Needle Trades From New York State, 1926 to 1934
National Income, A study of,
Paper Industry, The
Production, Prices, Employment and Payrolls in Industry, Agriculture and Railway Transportation, January 1923, to date
Retail Trades Study, The
Rubber Industry Study, The
Statistical Background of NRA
Textile Industry in the United Kingdom, France, Germany, Italy, and Japan
Textile Yarns and Fabrics
Tobacco Industry, The
Wholesale Trades Study, The
9675.

Women's Apparel Industry, Some Aspects of the

Trade Practice Studies

Commodities, Information Concerning: A Study of NRA and Related Experiences in Control
Distribution, Manufacturers' Control of: A Study of Trade Practice Provisions in Selected NRA Codes
Design Piracy: The Problem and Its Treatment Under NRA Codes
Electrical Mfg. Industry: Price Filing Study
Fertilizer Industry: Price Filing Study
Geographical Price Relations Under Codes of Fair Competition, Control of
Minimum Price Regulation Under Codes of Fair Competition
Multiple Basing Point System in the Lime Industry: Operation of the
Price Control in the Coffee Industry
Price Filing Under NRA Codes
Production Control Under NRA Codes, Some Aspects of,
Resale Price Maintenance Legislation in the United States
Retail Price Cutting, Restriction of, with special Emphasis on The Drug Industry.
Trade Practice Rules of The Federal Trade Commission (1914-1936): A classification for comparison with Trade Practice Provisions of NRA Codes.

Labor Studies

Employment, Payrolls, Hours, and Wages in 115 Selected Code Industries 1933-1935
Hours and Wages in American Industry
Labor Program Under the National Industrial Recovery Act, The
  Part A. Introduction
  Part B. Control of Hours and Reemployment
  Part C. Control of Wages
  Part D. Control of Other Conditions of Employment
  Part E. Section 7(a) of the Recovery Act
PRA Census of Employment, June, October,1933
Puerto Rico Needlework, Homeworkers Survey

Administrative Studies

Administrative and Legal Aspects of Stays, Exemptions and Exceptions, Code Amendments, Conditional Orders of Approval
Administrative Interpretations of NRA Codes
Administrative Law and Procedure under the NIRA
Agreements Under Sections 4(a) and 7(b) of the NIRA
Approved Codes in Industry Groups, Classification of
Basic Code, the -- (Administrative Order X-61)
Code Authorities and Their Part in the Administration of the NIRA
  Part A. Introduction
  Part B. Nature, Composition and Organization of Code Authorities
  Part C. Activities of the Code Authorities
  Part D. Code Authority Finances
  Part C. Summary and Evaluation

Code Compliance Activities of the NRA
Code Making Program of the NRA in the Territories, The
Code Provi ions and Related Subjects, Policy Statements Concerning
Content of NIRA Administrative Legislation
  Part A. Executive and Administrative Orders
  Part B. Labor Provisions in the Codes
  Part C. Trade Practice Provisions in the Codes
  Part D. Administrative Provisions in the Codes
  Part E. Agreements under Sections 4(a) and 7(b)
  Part F. A Type Case: The Cotton Textile Code
Labels Under NRA, A Study of
Model Code and Model Provisions for Codes, Development of
National Recovery Administration, The: A Review and Evaluation of its Organization and Activities
NRA Insignia
President's Reemployment Agreement, The
President's Reemployment Agreement, Substitutions in Connection with the
Prison Labor Problem under NRA and the Prison Compact, The
Problems of Administration in the Overlapping of Code Definitions of Industries and Trades, Multiple Code Coverage, Classifying Individual Members of Industries and Trades
Relationship of NRA to Government Contracts and Contracts Involving the Use of Government Funds
Relationship of NRA with other Federal Agencies
Relationship of NRA with States and Muncipalities
Sheltered Workshops Under NRA
Uncodified Industries: A Study of Factors Limiting the Code Making Program

Legal Studies

Anti-Trust Laws and Unfair Competiti n
Collective Bargaining Agreements, the Right of Individual Employees to Enforce Provisions of
ommerce Clause, Possible Federal Regulation of the Employer-Emplo yee Relationship Under the
Delegation of Power, Certain Phases of the Principle of, with Reference to Federal Industrial Regulatory Legislation
Enforcement, Extra-Judicial Methods of
Federal Regulation through the Joint Employment of the Power of Taxation and the Spending Power
Government Contract Provisions as a Means of Establishing Proper Econ mic Standards, Legal Memorandum on Possibility of
Intrastate Activities Which so Affect Interstate Commerce as to Bring them Under the Commerce Clause, Cases on
Legislative Possibilities of the State Constitutions
Post Office and Post Road Power -- Can it be Used as a Means of Federal Industrial Regulation?
State Recovery Legislation in Aid of Federal Recovery Legislation History and Analysis
Tariff Rates to Secure Proper Standards of Wages and Hours, the Possibility of Variation in Trade Practices and the Anti-Trust Laws
Treaty Making Power of the United States
War Power, Can it be Used as a Means of Federal Regulation of Child Labor?
9675.

THE EVIDENCE STUDIES SERIES

The Evidence Studies were originally undertaken to gather material for pending court cases. After the Schechter decision the project was continued in order to assemble data for use in connection with the studies of the Division of Review. The data are particularly concerned with the nature, size and operations of the industry; and with the relation of the industry to interstate commerce. The industries covered by the Evidence Studies account for more than one-half of the total number of workers under codes. The list of these studies follows:

Automobile Manufacturing Industry
Automotive Parts and Equipment Industry
Baking Industry
Boot and Shoe Manufacturing Industry
Bottled Soft Drink Industry
Builders' Supplies Industry
Canning Industry
Chemical Manufacturing Industry
Cigar Manufacturing Industry
Coat and Suit Industry
Construction Industry
Cotton Garment Industry
Dress Manufacturing Industry
Electrical Contracting Industry
Electrical Manufacturing Industry
Fabricated Metal Products Mfg. Industry and Metal Finishing and Metal Coating Industry
Fishery Industry
Furniture Manufacturing Industry
General Contractors Industry
General Contractors Industry
Graphic Arts Industry
Graphic Arts Industry
Gray Iron Foundry Industry
Hosiery Industry
Infant's and Children's Wear Industry
Iron and Steel Industry
Leather Industry
Lumber and Timber Products Industry
Mason Contractors Industry
Men's Clothing Industry
Motion Picture Industry
Motor Vehicle Retailing Trade
Needlework Industry of Puerto Rico
Painting and Paperhanging Industry
Photo Engraving Industry
Plumbing Contracting Industry
Retail Lumber Industry
Retail Trade Industry
Retail Tire and Battery Trade Industry
Rubber Manufacturing Industry
Rubber Tire Manufacturing Industry
Shipbuilding Industry
Silk Textile Industry
Structural Clay Products Industry
Throwing Industry
Trucking Industry
Waste Materials Industry
Wholesale and Retail Food Industry
Waste Materials Industry
Wholesale and Retail Food Industry
Wholesale Fresh Fruit and Vegetable Industry
Wool Textile Industry

THE STATISTICAL MATERIALS SERIES

This series is supplementary to the Evidence Studies Series. The reports include data on establishments, firms, employment, payrolls, wages, hours, production capacities, shipments, sales, consumption, stocks, prices, material costs, failures, exports and imports. They also include notes on the principal qualifications that should be observed in using the data, the technical methods employed, and the applicability of the material to the study of the industries concerned. The following numbers appear in the series:
9675.

Asphalt Shingle and Roofing Industry
Business Furniture
Candy Manufacturing Industry
Carpet and Rug Industry
Cement Industry
Cleaning and Dyeing Trade
Coffee Industry
Copper and Brass Mill Products Industry
Cotton Textile Industry
Electrical Manufacturing Industry
9675.
Fertilizer Industry
Funeral Supply Industry
Glass Container Industry
Ice Manufacturing Industry
Knitted Outerwear Industry
Paint, Varnish, and Lacquer, Mfg. Industry
Plumbing Fixtures Industry
Rayon and Synthetic Yarn Producing Industry
Salt Producing Industry